

Exhibit G

MASTER DOCKET CASE NO. 19-CV-01717

IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS

DEPONENT:

DOUGLAS NICHOLS, VOLUME I

DATE:

APRIL 18, 2022

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF
3 ILLINOIS EASTERN DIVISION
4 MASTER DOCKET CASE NO. 19-CV-01717

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6 IN RE: WATTS COORDINATED PRETRIAL PROCEEDINGS
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23 DEPONENT: DOUGLAS NICHOLS, VOLUME I

24 DATE: APRIL 18, 2022

25 REPORTER: JESSE HARP

<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES</p> <p>2</p> <p>3 ON BEHALF OF THE LOEVY DEFENDANTS:</p> <p>4 Wally Hilke, Esquire</p> <p>5 Scott Rauscher, Esquire</p> <p>6 Loevy & Loevy</p> <p>7 311 North Aberdeen Street</p> <p>8 3rd Floor</p> <p>9 Chicago, Illinois 60607</p> <p>10 Telephone No.: (312) 243-5900</p> <p>11 E-mail: hilke@loevy.com</p> <p>12 (Appeared via Videoconference)</p> <p>13</p> <p>14 ON BEHALF OF THE PLAINTIFF, THE FLAXMAN PLAINTIFFS:</p> <p>15 Joel Flaxman, Esquire</p> <p>16 Law Offices of Kenneth N Flaxman</p> <p>17 200 South Michigan Avenue</p> <p>18 Suite 201</p> <p>19 Chicago, Illinois 60604</p> <p>20 Telephone No.: 312 427-3200</p> <p>21 E-mail: jaf@kenlaw.com</p> <p>22 (Appeared via Videoconference)</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 APPEARANCES (CONTINUED)</p> <p>2</p> <p>3 ON BEHALF OF THE DEFENDANT, CITY OF CHICAGO:</p> <p>4 Dhaviella Harris, Esquire</p> <p>5 Reiter Burns</p> <p>6 311 South Wacker Drive</p> <p>7 Suite 5200</p> <p>8 Chicago, Illinois 60606</p> <p>9 Telephone No.: (312) 982-0090</p> <p>10 E-mail: dharris@reiterburns.com</p> <p>11 (Appeared via Videoconference)</p> <p>12</p> <p>13 ON BEHALF OF THE DEFENDANT, KALLATT MOHAMMED:</p> <p>14 Kathryn Doi, Esquire</p> <p>15 Daley Mohan Groble</p> <p>16 55 West Monroe Street</p> <p>17 Suite 1600</p> <p>18 Chicago, Illinois 60603</p> <p>19 Telephone No.: (312)-422-0315</p> <p>20 E-mail: kdoi@daleymohan.com</p> <p>21 (Appeared via Videoconference)</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p style="text-align: right;">Page 11</p> <p>1 STIPULATION</p> <p>2</p> <p>3 The VIDEO deposition of DOUGLAS NICHOLS was taken at</p> <p>4 CHURCHILL REPORTING, located at 30 SOUTH WACKER DRIVE,</p> <p>5 FLOOR 22, CHICAGO, ILLINOIS 60606, via videoconference</p> <p>6 in which all participants attended remotely, on MONDAY</p> <p>7 the 18TH day of APRIL 2022 at approximately 10:03 a.m.;</p> <p>8 said deposition was taken pursuant to the FEDERAL Rules</p> <p>9 of Civil Procedure. The oath in this matter was sworn</p> <p>10 remotely pursuant to FRCP 30.</p> <p>11</p> <p>12 It is agreed that JESSE HARP, being a Notary Public and</p> <p>13 Court Reporter, may swear the witness.</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 13</p> <p>1 defendants that are represented by Hale and Monico.</p> <p>2 I am present with Officer Nichols at 53 West</p> <p>3 Jackson, Chicago, Illinois.</p> <p>4 MS. DOI: Kathryn Doi of Daley Mohan Groble</p> <p>5 representing Kallatt Mohammed. I'm appearing via</p> <p>6 Zoom from Chicago, Illinois.</p> <p>7 MS. MCGRATH: Megan McGrath, representing</p> <p>8 Officers Cabin and Spaargaren appearing via Zoom</p> <p>9 from Chicago.</p> <p>10 MS. HARRIS: Dhaviella Harris appearing from</p> <p>11 Chicago, representing City of Chicago and</p> <p>12 supervisory officers.</p> <p>13 MR. KOSOKO: I'm Ed Kosoko on behalf of Ronald</p> <p>14 Watts, appearing remotely from Chicago.</p> <p>15 MR. HILKE: I'll just note for the record that</p> <p>16 Scott Rauscher from Loevy and Loevy is also present.</p> <p>17 I just got a message. His audio is not working well</p> <p>18 right now. For the plaintiffs calling in from</p> <p>19 Chicago, Loevy plaintiffs.</p> <p>20 COURT REPORTER: Okay. Thank you. Okay.</p> <p>21 and Mr. Nichols, could you please state your</p> <p>22 full name for the record?</p> <p>23 THE WITNESS: Douglas Nichols. It's</p> <p>24 N-I-C-H-O-L-S.</p> <p>25 COURT REPORTER: Thank you so much, and then if</p>

<p style="text-align: right;">Page 14</p> <p>1 you could please hold your ID up to the camera and</p> <p>2 wait for it to focus, please. Thank you so much.</p> <p>3 You can put it down. Do all parties -- do all</p> <p>4 parties agree that the witness today is in fact</p> <p>5 Douglas Nichols?</p> <p>6 MR. FLAXMAN: Yes.</p> <p>7 MS. DOI: Yes.</p> <p>8 MR. BAZAREK: Yeah.</p> <p>9 MS. MCGRATH: Yes.</p> <p>10 COURT REPORTER: Thank you. Okay. Officer,</p> <p>11 could you please raise your right hand? Do you</p> <p>12 solemnly swear or affirm the testimony you're about</p> <p>13 to give is the truth, the whole truth, and nothing</p> <p>14 but the truth?</p> <p>15 THE WITNESS: I do.</p> <p>16 COURT REPORTER: Thank you. You can begin.</p> <p>17 DIRECT EXAMINATION</p> <p>18 BY MR. HILKE:</p> <p>19 Q Okay. Good morning, Mr. Nichols.</p> <p>20 A Morning, sir. How are you?</p> <p>21 Q I'm good. So, my name's Wallace Hilke. As I</p> <p>22 mentioned, I'm one of the attorneys for the Loevy</p> <p>23 plaintiffs in this case, and I'm going to be asking you</p> <p>24 some questions this morning. I -- and I know you've</p> <p>25 taken the deposition in this case before, but I'm just</p>	<p style="text-align: right;">Page 16</p> <p>1 Q Great. And is there any reason you couldn't</p> <p>2 give me a true and accurate testimony today?</p> <p>3 A No. There's no reason.</p> <p>4 Q Are you currently under the influence of any</p> <p>5 medications?</p> <p>6 A No, sir.</p> <p>7 Q Or any drugs or alcohol?</p> <p>8 A No.</p> <p>9 Q Okay. So, let's get started. Could you tell</p> <p>10 me everything you did to prepare for the deposition</p> <p>11 today?</p> <p>12 A I spoke to my attorneys over at Hale and</p> <p>13 Monico. I looked at documents that was provided for me,</p> <p>14 case reports that case law were prepared for the rest</p> <p>15 that I made.</p> <p>16 Q Okay. And would you tell me about how long</p> <p>17 you spent preparing for today's deposition?</p> <p>18 A Hours. I just met with them on Thursday and</p> <p>19 Friday. Hours. I couldn't give you an exact amount.</p> <p>20 Q All right. And so did you look at any</p> <p>21 complaint files, any files about complaints against you</p> <p>22 in preparation for today's deposition?</p> <p>23 A I don't understand what you mean by complaint</p> <p>24 files. I don't know.</p> <p>25 Q Sure. No, thank you for that. I mean, so</p>
<p style="text-align: right;">Page 15</p> <p>1 going to quickly go over some of the ground rules for</p> <p>2 the deposition today. So, to start, we've got a court</p> <p>3 reporter taking down everything we say today. So, it's</p> <p>4 important that you give a verbal answer to everything I</p> <p>5 ask so it's clear on the record. Does that make sense?</p> <p>6 A Yes, sir.</p> <p>7 Q And it's important that we speak one at a</p> <p>8 time, even if you think you know what I'm going to say</p> <p>9 so the record is clear. Does that make sense?</p> <p>10 A Yes, sir.</p> <p>11 Q And I will try to make questions that make</p> <p>12 sense, but if you don't understand what I'm asking you,</p> <p>13 I need you to tell me you don't understand so I can</p> <p>14 clarify it. Is that -- can we agree on that?</p> <p>15 A Yes.</p> <p>16 Q And so because of that, if you give me an</p> <p>17 answer, I'm going to go ahead and assume that you</p> <p>18 understood the question I was asking. Does that seem</p> <p>19 fair?</p> <p>20 A Seems fair.</p> <p>21 Q Okay. And we can take breaks whenever we need</p> <p>22 them. The only thing I'll ask is that you let -- you</p> <p>23 answer the question that's pending before we go on a</p> <p>24 break. Is that fair?</p> <p>25 A That's fair.</p>	<p style="text-align: right;">Page 17</p> <p>1 when a complaint is filed against you, are you familiar</p> <p>2 with what a CR file would be in that situation?</p> <p>3 A CR? Yes.</p> <p>4 Q And did you look at any CR files in</p> <p>5 preparation for today's deposition?</p> <p>6 A No. I didn't look at any CRs.</p> <p>7 Q Okay. And are there -- is there another term</p> <p>8 for complaints that -- you know, where you might not</p> <p>9 have it in an affidavit? It wouldn't be a CR file. It</p> <p>10 would be something else.</p> <p>11 A I believe there's a log number, I believe, if</p> <p>12 I'm not mistaken, but I'm not 100 percent sure.</p> <p>13 Q Okay. And did you look at any documents that</p> <p>14 would be of that kind in preparation for the deposition</p> <p>15 today?</p> <p>16 A No, sir.</p> <p>17 Q Okay. But you did look at certain arrest</p> <p>18 reports to get ready for the deposition today?</p> <p>19 A Yes.</p> <p>20 Q And did you also look at any vice case</p> <p>21 reports?</p> <p>22 A I did.</p> <p>23 Q Did you look at any affidavits?</p> <p>24 A I did.</p> <p>25 Q Okay. And did you look at any trial</p>

<p style="text-align: right;">Page 18</p> <p>1 testimony?</p> <p>2 A I did.</p> <p>3 Q Okay. And was some of that your own trial</p> <p>4 testimony?</p> <p>5 A That's correct.</p> <p>6 Q Okay. And aside from those documents, did you</p> <p>7 look at any other notes that you would've taken to</p> <p>8 prepare for the deposition today?</p> <p>9 A I don't understand your -- notes. I don't</p> <p>10 understand your question.</p> <p>11 Q Sure. Did you -- so let me ask this. Did you</p> <p>12 take any -- so, for example, any personal notes that you</p> <p>13 would've written down, not in an arrest report or a vice</p> <p>14 case report?</p> <p>15 A No, I don't have any notes.</p> <p>16 Q Okay. And do you keep any notes about your</p> <p>17 cases, aside from what you would put in an arrest</p> <p>18 report, a vice case report?</p> <p>19 A No, I don't -- I didn't take any notes.</p> <p>20 Q Okay. And do you your own copy of any of</p> <p>21 those documents, of any arrest reports or vice case</p> <p>22 reports?</p> <p>23 A No, not that I recall. I might have copies,</p> <p>24 but I don't know if I -- what -- which ones or what</p> <p>25 others, I might have them in my locker somewhere or</p>	<p style="text-align: right;">Page 20</p> <p>1 that term incorrectly.</p> <p>2 BY MR. HILKE:</p> <p>3 Q Thank you. Let me just ask this. Have you</p> <p>4 written on or marked up in any way the documents in</p> <p>5 front of you?</p> <p>6 A No, I haven't marked any or done anything to</p> <p>7 the exhibits in front of me.</p> <p>8 Q Okay. So, do remember approximately when you</p> <p>9 took your last deposition in this case?</p> <p>10 A I don't.</p> <p>11 Q Okay. So, I want to ask you about -- I want</p> <p>12 to be asking you now about the last -- like since</p> <p>13 December 2019. So, the time period between what --</p> <p>14 December 2019 and today. In that time, have you talked</p> <p>15 to Sergeant Ronald Watts?</p> <p>16 A No.</p> <p>17 Q Have you talked to Kallatt Mohammed?</p> <p>18 A No.</p> <p>19 Q Have you talked to Manuel Leano?</p> <p>20 A I have.</p> <p>21 Q Okay. About how many times would you say</p> <p>22 you've talked to Officer Leano?</p> <p>23 A In person or over the phone?</p> <p>24 Q Let's start with in person.</p> <p>25 A I believe once -- or since 2019?</p>
<p style="text-align: right;">Page 19</p> <p>1 somewhere else.</p> <p>2 Q Okay.</p> <p>3 A But not sure.</p> <p>4 Q Do you -- and do you have any documents with</p> <p>5 you today as you're sitting for this deposition?</p> <p>6 A I do. I do have some documents.</p> <p>7 Q Okay. And can you tell me -- you don't have</p> <p>8 to name each one, but can you tell me what -- what</p> <p>9 you've got in front of you?</p> <p>10 A I believe the -- what I have, the exhibits,</p> <p>11 what you have. It looks like arrest reports, case</p> <p>12 reports, mugshots, and I believe some affidavits. Do</p> <p>13 you want me to go further? Do you want me to keep</p> <p>14 looking?</p> <p>15 Q No, that's okay. Do you have any personal</p> <p>16 notes in front of you aside those documents?</p> <p>17 MR. BAZAREK: Yeah. You know, I just want to</p> <p>18 make -- this is William Bazarek. I'm going to make</p> <p>19 an objection to the use of the word notes. Counsel,</p> <p>20 as you know, I told you before this stuff started</p> <p>21 that we printed out hard copies of the exhibits. So</p> <p>22 -- but. I just -- I don't connect --</p> <p>23 MR. HILKE: And --</p> <p>24 MR. BAZAREK: Yeah, I don't connect the</p> <p>25 exhibits as being notes, and I think you're using</p>	<p style="text-align: right;">Page 21</p> <p>1 Q Yeah.</p> <p>2 A Once or twice, maybe, maybe.</p> <p>3 Q Okay. Do you remember where you were?</p> <p>4 A One time, it was at my house.</p> <p>5 Q Okay. And do you remember what you talked</p> <p>6 about?</p> <p>7 A Fantasy football.</p> <p>8 Q Oh, yeah. Have you talked at all about any of</p> <p>9 the sort of allegations of police misconduct at the Ida</p> <p>10 B. Wells house with Mr. Leano?</p> <p>11 A No, sir.</p> <p>12 Q Okay. And you've talked to him on the phone</p> <p>13 as well in the last few years? I'm sorry -- since 2019,</p> <p>14 to be specific. I'm sorry. How many times have you</p> <p>15 talked to him on the phone?</p> <p>16 A I don't know.</p> <p>17 Q Okay.</p> <p>18 A Not that many.</p> <p>19 Q Okay. More than ten?</p> <p>20 A I don't know.</p> <p>21 Q Okay. More than -- more than five?</p> <p>22 A Like I said, I don't know.</p> <p>23 Q Okay. More than once?</p> <p>24 A I would say probably yes, probably. But I'm</p> <p>25 not 100 percent sure.</p>

<p style="text-align: right;">Page 22</p> <p>1 Q Okay. Since 2019, have you talked to Brian 2 Bolton?</p> <p>3 A I have.</p> <p>4 Q Okay. And have you talked to him in person?</p> <p>5 A I have.</p> <p>6 Q How many times?</p> <p>7 A I don't know. Currently, I work in the same 8 area with him right now. So, I can't tell you a number 9 how many times I speak to him.</p> <p>10 Q Okay. And have you discussed at all the 11 allegations of misconduct at the Ida B. Wells homes with 12 him?</p> <p>13 MR. BAZAREK: Hey, William Bazarek. I just 14 want to lodge an objection to make clear that 15 there's going to be an objection to any 16 attorney-client communications where Nichols was 17 present with other individual defendants at my 18 office. I just want to make sure that's clear in 19 terms of how he's answering and how you're asking 20 the question.</p> <p>21 BY MR. HILKE:</p> <p>22 Q Sure. So, I'll repeat the question. Have you 23 talked with Mr. Bolton at all since 2019 about 24 misconduct at the Ida B. Wells homes?</p> <p>25 A No, I haven't talked to him about misconduct.</p>	<p style="text-align: right;">Page 24</p> <p>1 MR. BAZAREK: I'm going to lodge another 2 objection. William Bazarek. I'm going to instruct 3 the witness to answer any questions if in fact he 4 had conversations with other individual defendants 5 while with his counsel. So just so it's clear, he's 6 not answering questions about privileged 7 communications that he had with his attorneys and 8 perhaps other individual defendants.</p> <p>9 MR. HILKE: Now, just -- oh, go ahead. I'm 10 sorry. You should finish.</p> <p>11 MR. BAZAREK: Right. So, you're not qualifying 12 the question that you're asking. You're not -- 13 you're not asking if he had conversations outside 14 the presence of his counsel.</p> <p>15 MR. HILKE: Now, let me stop for a second. Are 16 you instructing your client not to answer whether he 17 attended any meetings with any of these officers 18 with an attorney?</p> <p>19 MR. BAZAREK: Well, no, I don't have any issue 20 at all with you asking that type of questions. I 21 guess the objection is -- and I want to let you 22 continue with your questions. I want to make sure 23 that you're not asking him questions about 24 privileged communications he may have had with his 25 counsel and other individual defendants. That's my</p>
<p style="text-align: right;">Page 23</p> <p>1 No.</p> <p>2 Q Okay. Or about -- would you say you've talked 3 to him about any of the issues, about any of the 4 allegations about -- do you know what -- I get -- let me 5 stop for a second. When I say the allegations that -- 6 of misconduct at the Ida B. Wells homes, do you feel 7 like you know what I'm talking about?</p> <p>8 A I would say the case that got exonerated. I 9 would assume that you're talking about why we're sitting 10 here today.</p> <p>11 Q Okay. That's perfect, and then you understand 12 that to include accusations of false arrests, planting 13 drugs, et cetera by Sergeant Watts and members of his 14 tact team. Is that fair?</p> <p>15 A But your clients allegedly said yes.</p> <p>16 Q Yes. Understood. Okay. And do you work with 17 Brian Bolton? Are you and Brian Bolton -- have you ever 18 responded to the same scene in the last few years? Does 19 your work overlap at all today?</p> <p>20 A I would say we don't overlap, I would say. I 21 know he's in the violent crimes office, working, and I'm 22 in a different office. So, I wouldn't say we overlap, 23 but no.</p> <p>24 Q Okay. Have you spoken to Robert Gonzalez 25 since 2019?</p>	<p style="text-align: right;">Page 25</p> <p>1 -- I guess what I'm saying. Not what I guess I'm 2 saying, what I am saying.</p> <p>3 MR. HILKE: I understand. I would think that 4 could be addressed by Officer Nichols claiming that 5 privilege as to the content of those conversations 6 that -- but I -- so that is what I'm understanding.</p> <p>7 MR. BAZAREK: And I'm further objecting to the 8 foundation of these questions.</p> <p>9 BY MR. HILKE:</p> <p>10 Q Okay. So, to repeat that question, have you 11 had any conversations with Robert Gonzalez since 2019?</p> <p>12 A I have.</p> <p>13 Q Okay. And have you talked to him in person?</p> <p>14 A I have.</p> <p>15 Q And how many times would you say?</p> <p>16 A Approximately once or twice, I believe. I'm 17 not 100 percent sure.</p> <p>18 Q Okay. And did you discuss allegations of 19 misconduct at the Ida B. Wells homes with him?</p> <p>20 A No, sir.</p> <p>21 Q Okay. And have you spoken with him on the 22 phone?</p> <p>23 A I don't recall if I have or have not. I'm not 24 100 percent sure.</p> <p>25 Q Okay. Have you had any conversations with</p>

<p style="text-align: right;">Page 26</p> <p>1 Alvin Jones since 2019?</p> <p>2 A No, sir.</p> <p>3 Q Okay. Have you had any conversations with</p> <p>4 Ellsworth Smith since 2019?</p> <p>5 A I don't know if I saw him in the Second</p> <p>6 District passing after 2019 when I was still in the</p> <p>7 Second District. I'm not sure if I saw him or not.</p> <p>8 Q Okay. But other than maybe seeing him in</p> <p>9 passing, do you recall any other in-person -- any other</p> <p>10 conversations with him?</p> <p>11 A Like I said, I don't recall if I even saw him</p> <p>12 in 2019. I can't even tell you that. I don't know if I</p> <p>13 saw him in 2019 in passing or if I had not seen him in</p> <p>14 passing. I don't remember.</p> <p>15 Q Okay. Have you had any conversations with</p> <p>16 Lamonica Lewis since 2019?</p> <p>17 A That would be the same thing. Once I -- once</p> <p>18 I was in the Second District, I don't recall if I seen</p> <p>19 her in the Second District or if I have not.</p> <p>20 Q Okay. And have you had -- do you recall</p> <p>21 having conversations with anyone else who you worked</p> <p>22 with under Sergeant Ronald Watts since 2019?</p> <p>23 A Could you repeat that question --</p> <p>24 Q Sure.</p> <p>25 A -- so I understand?</p>	<p style="text-align: right;">Page 28</p> <p>1 term.</p> <p>2 Q Well, I guess what I mean is did you pick up</p> <p>3 the phone and you didn't know who it was before --</p> <p>4 before you got the call?</p> <p>5 A I don't know if his name came up on my caller</p> <p>6 ID or not --</p> <p>7 Q Okay.</p> <p>8 A -- if that's what you're asking.</p> <p>9 Q It is, I suppose. Did you have any reason to</p> <p>10 expect that he would be calling you?</p> <p>11 A The FBI agent?</p> <p>12 Q Yeah.</p> <p>13 A No. No, sir.</p> <p>14 Q Okay. And can you tell me about that</p> <p>15 conversation, what you said to each other during that</p> <p>16 conversation?</p> <p>17 A To the best of my knowledge, he introduced</p> <p>18 himself, and then he asked if I remembered Sergeant</p> <p>19 Ronald Watts, and he wanted to speak to him about -- in</p> <p>20 regards to Sergeant Ronald Watts.</p> <p>21 Q Okay. And what did you say to him?</p> <p>22 A I said that I would like to speak to my</p> <p>23 counsel, and then he provided me with his information,</p> <p>24 and I gave it to my counsel.</p> <p>25 Q Do you remember him saying anything else?</p>
<p style="text-align: right;">Page 27</p> <p>1 Q All right. So, for a period of time, you</p> <p>2 worked under Sergeant Ronald Watts. Is that right?</p> <p>3 A That's correct.</p> <p>4 Q And you're familiar with the other officers</p> <p>5 who would've worked with him at the same time you were</p> <p>6 working under him?</p> <p>7 A That's correct.</p> <p>8 Q And so my question is, do you remember having</p> <p>9 conversations with any of the other officers who also</p> <p>10 worked under him since 2019?</p> <p>11 A Not that I recall, no.</p> <p>12 Q Okay. Got it. Have you ever talked to anyone</p> <p>13 from the FBI?</p> <p>14 A I have.</p> <p>15 Q Okay. How many times?</p> <p>16 A Once.</p> <p>17 Q Okay. And would that be Special Agent Jeffrey</p> <p>18 Tabarkis?</p> <p>19 A That's correct.</p> <p>20 Q And that was a conversation that occurred on</p> <p>21 October 4, 2021. Is that right?</p> <p>22 A Yes. On or about that day. Yes.</p> <p>23 Q Great. So, tell me, did -- was it a cold</p> <p>24 call, or were you expecting his call?</p> <p>25 A A cold call, what do you -- I don't know that</p>	<p style="text-align: right;">Page 29</p> <p>1 A Not to best of my knowledge. No.</p> <p>2 Q And do you remember saying anything else back</p> <p>3 to him?</p> <p>4 A No, not that I recall. No.</p> <p>5 Q Okay. And then did you arrange to speak with</p> <p>6 him?</p> <p>7 A Like I said, I gave my information, his</p> <p>8 information to my counsel, and that's the last time I</p> <p>9 remember about this.</p> <p>10 Q Do you intend to speak with him?</p> <p>11 A That's something I would have to cite down and</p> <p>12 talk to my counsel about.</p> <p>13 Q And today, is there any reason why you</p> <p>14 wouldn't want to speak to him?</p> <p>15 MR. BAZAREK: Object to the form of the</p> <p>16 question. Calls for speculation, assumes a fact not</p> <p>17 in evidence.</p> <p>18 BY MR. HILKE:</p> <p>19 Q You can answer.</p> <p>20 A Could you repeat that question, sir?</p> <p>21 Q Sure. Today, is there any reason you wouldn't</p> <p>22 want to speak with him?</p> <p>23 A If my lawyer told me not to speak with him.</p> <p>24 MR. BAZAREK: What -- don't -- do not talk</p> <p>25 about conversations with your counsel.</p>

<p style="text-align: right;">Page 30</p> <p>1 THE WITNESS: Okay.</p> <p>2 Q Yeah, and I should be clear. I am -- I'm not</p> <p>3 asking you what advice you've gotten from your counsel.</p> <p>4 I'm only asking you if you have any reason you wouldn't</p> <p>5 want to speak with him.</p> <p>6 A No.</p> <p>7 Q Okay. So are you aware of any current</p> <p>8 investigations into police misconduct at the Ida B.</p> <p>9 Wells homes?</p> <p>10 A I'm not aware of any allegations.</p> <p>11 Q Okay. You're not -- so other than the civil</p> <p>12 lawsuits that are pending, you're not aware of any law</p> <p>13 enforcement, active law enforcement inquiries into that</p> <p>14 misconduct -- into misconduct that occurred under</p> <p>15 Sergeant Ronald Watts?</p> <p>16 MR. BAZAREK: Object to the form of the</p> <p>17 question. Assumes a fact not in evidence.</p> <p>18 MR. KOSOKO: This is counsel for Watts. We</p> <p>19 join the objection.</p> <p>20 BY MR. HILKE:</p> <p>21 Q You can answer.</p> <p>22 A Not that I'm aware of. No.</p> <p>23 Q Has the -- have you ever been put on a do not</p> <p>24 call list by the Cook County State's Attorney's office?</p> <p>25 A I believe I am, but I've never been served</p>	<p style="text-align: right;">Page 32</p> <p>1 A And I work in the case management office,</p> <p>2 which is basically inside. But I have gone on the</p> <p>3 street before. Yes.</p> <p>4 Q Okay. And when you say you've gone on the</p> <p>5 street, can you tell me about since November 2017 what</p> <p>6 your work on the street has been like?</p> <p>7 A I don't understand your question. What do you</p> <p>8 mean?</p> <p>9 Q Yeah, let me -- so you've said that you've</p> <p>10 been -- that most of your work as a -- most of your work</p> <p>11 right now is on the inside. Is that right?</p> <p>12 A That's correct.</p> <p>13 Q But you've also done some work on the street.</p> <p>14 A That's correct.</p> <p>15 Q What work on the street have you done?</p> <p>16 A We -- details for, like, protests, I've been</p> <p>17 going out there, and if I'm not mistaken, that's</p> <p>18 basically it with assignments that -- when I get</p> <p>19 assigned to go out on the street.</p> <p>20 Q What protests did you go out on -- go out to</p> <p>21 work on the street for?</p> <p>22 A I'm not 100 percent sure about the exact</p> <p>23 protests, what protests were -- I went out there for.</p> <p>24 I'm not 100 percent sure.</p> <p>25 Q About how many times did you go out to work</p>
<p style="text-align: right;">Page 31</p> <p>1 with anybody -- that letter or anything.</p> <p>2 Q Okay. And when you say that letter, what are</p> <p>3 you referring to?</p> <p>4 A I saw a letter on the news, and it was a do</p> <p>5 not call list.</p> <p>6 Q Okay. And when did you first find out that</p> <p>7 you were not being called by the state's attorney's</p> <p>8 office?</p> <p>9 A I'm not 100 percent sure. I believe it was</p> <p>10 sometime in November of 2017, but I'm not 100 percent</p> <p>11 sure.</p> <p>12 Q Okay. And so am I correct that at some point,</p> <p>13 you were reassigned to desk duty or administrative duty?</p> <p>14 A I don't know if I was reassigned to desk duty</p> <p>15 or administrative duty. I know that's what I was doing,</p> <p>16 but I still have police powers.</p> <p>17 Q Sure. Approximately when did that change</p> <p>18 happen to start doing desk duty or administrative duty?</p> <p>19 A I believe it was in November of 2017.</p> <p>20 Q Okay. And is that -- today, are those still</p> <p>21 your -- is that still what you spend your time doing as</p> <p>22 a police officer?</p> <p>23 A Well, I'm not a police officer anymore. I'm a</p> <p>24 detective now.</p> <p>25 Q That's right.</p>	<p style="text-align: right;">Page 33</p> <p>1 protests?</p> <p>2 A I don't want to guess. I don't know.</p> <p>3 Q Was it more than a couple?</p> <p>4 A Like I -- like I said, I don't -- I don't want</p> <p>5 to guess. I don't know.</p> <p>6 Q And what were your duties as working those</p> <p>7 protests?</p> <p>8 A Best of my knowledge, I -- we worked on the</p> <p>9 corner. So, I know I was at Michigan Avenue on the</p> <p>10 street corners, and we were going out there to make sure</p> <p>11 that no one was looting or anything of that nature.</p> <p>12 Q Okay. And do you remember what year you were</p> <p>13 put out to work those protests?</p> <p>14 A I don't, sir.</p> <p>15 Q Do you remember the last time you were</p> <p>16 assigned to work on the street?</p> <p>17 A I don't know that, either.</p> <p>18 Q Okay. And have you testified in any criminal</p> <p>19 cases since November 2017?</p> <p>20 A To the best of my knowledge, no. I don't</p> <p>21 recall. No.</p> <p>22 Q Okay. And have you spoken to anyone from the</p> <p>23 Cook County State's Attorney's Office since -- have you</p> <p>24 spoken to anyone from the State's attorney's office</p> <p>25 since November 2017?</p>

<p style="text-align: right;">Page 34</p> <p>1 A Yes.</p> <p>2 Q And how many times?</p> <p>3 A The State's Attorney's office?</p> <p>4 Q Yes.</p> <p>5 A I believe it was one time.</p> <p>6 Q Okay. And was that a conversation on -- in</p> <p>7 March of 2020?</p> <p>8 A I don't recall the date or the year of when I</p> <p>9 met with them.</p> <p>10 Q Okay. Do you remember who you spoke with?</p> <p>11 A Adduci. Nancy Adduci.</p> <p>12 Q Okay. And was anyone else present?</p> <p>13 A There was two investigators, I do believe,</p> <p>14 another state's attorney, and then two people from Hale</p> <p>15 and Monico's office and then Robert Royal.</p> <p>16 Q And how long was that conversation?</p> <p>17 A I don't recall how long the conversation was.</p> <p>18 Q Okay. What do you remember discussing at that</p> <p>19 meeting?</p> <p>20 A I remember them discussing arrest procedures</p> <p>21 in the Ida B. Wells housing complex, my personal</p> <p>22 background, when I got promoted in the -- after I got</p> <p>23 promoted.</p> <p>24 Q Okay. What did they want to know about arrest</p> <p>25 procedures by the Ida B. Wells house homes?</p>	<p style="text-align: right;">Page 36</p> <p>1 District?</p> <p>2 A I don't recall.</p> <p>3 Q Okay. Do you remember anything that you said</p> <p>4 to them during that conversation?</p> <p>5 A I remember talking about my background, then</p> <p>6 my promotion, and just the questions they were asking me</p> <p>7 about the arrest procedures, but that's all. What</p> <p>8 specifically, no.</p> <p>9 Q Did they tell you why they wanted to talk with</p> <p>10 you?</p> <p>11 A I'm not sure. I don't know.</p> <p>12 Q Were you left with any impression about why</p> <p>13 they wanted to talk with you?</p> <p>14 A No, I didn't have any impression.</p> <p>15 Q Okay. Do you remember anything else from your</p> <p>16 conversation with them?</p> <p>17 A Not that I recall. No.</p> <p>18 Q Okay. And have you spoken with them, with --</p> <p>19 have you spoken with anyone from the Cook County State's</p> <p>20 Attorney's Office on any other occasion since</p> <p>21 November 2017?</p> <p>22 MR. BAZAREK: Object to the form of the</p> <p>23 question. I think it mischaracterizes his testimony</p> <p>24 that he's given.</p> <p>25 Q You can answer. Okay.</p>
<p style="text-align: right;">Page 35</p> <p>1 A Of how things were -- how things were given,</p> <p>2 if I recall. I don't remember exactly. I would have to</p> <p>3 -- don't remember 100 percent.</p> <p>4 Q Oh, when you say how things were given, I</p> <p>5 guess I don't understand. Can you -- is -- can you</p> <p>6 clarify at all what you discussed about arrest</p> <p>7 procedures?</p> <p>8 A To the best of my -- I don't remember.</p> <p>9 Q Okay. Did they ask you anything about how</p> <p>10 arrest reports were prepared?</p> <p>11 A I believe so, yes.</p> <p>12 Q Okay. And do you remember anything beyond</p> <p>13 that?</p> <p>14 A Not that I recall.</p> <p>15 Q Okay. Now, did they also ask you about -- you</p> <p>16 said they asked you about your background, about -- what</p> <p>17 do you remember them asking about your background?</p> <p>18 A Like where I grew up and what I did before I</p> <p>19 got on the job.</p> <p>20 Q Did they ask you anything about your</p> <p>21 experience working as a tactical officer at the -- in</p> <p>22 the Second District?</p> <p>23 A Could you repeat that question?</p> <p>24 Q Sure. Did they ask you anything about your</p> <p>25 experience working as a tactical officer in the Second</p>	<p style="text-align: right;">Page 37</p> <p>1 A Not that I recall, no.</p> <p>2 Q Okay. So, you mentioned your promotion to</p> <p>3 detective. When did you receive that promotion?</p> <p>4 A I believe I received the promotion in</p> <p>5 March of 2020, I believe.</p> <p>6 Q Okay. And is there more than one way to get</p> <p>7 promoted to detective?</p> <p>8 A Yes.</p> <p>9 Q Okay. What are the ways you can get promoted</p> <p>10 to detective?</p> <p>11 A You can get promoted from detective on the, a</p> <p>12 list, of a list. You take a test and then you -- they</p> <p>13 rank you on a list score or there's a way that's</p> <p>14 meritorious.</p> <p>15 Q And which way were you promoted?</p> <p>16 A I was promoted on the list. I scored and I</p> <p>17 got promoted off the list.</p> <p>18 Q Okay. And have your responsibilities changed</p> <p>19 since you were promoted to detective?</p> <p>20 A I don't understand your questions.</p> <p>21 Q Sure. Before you received your promotion,</p> <p>22 what were -- what was your assignment? What were your,</p> <p>23 what was your current -- what did you spend your time</p> <p>24 doing before you were promoted as a police officer?</p> <p>25 A I was assigned at a 264 housing team, and then</p>

<p style="text-align: right;">Page 38</p> <p>1 I left that team, went to a different 264 housing team. 2 I know I went back to the watch for a little bit, and 3 then I went back to the tactical team. So, I was 4 assigned to the tactical office and then -- and within 5 the Second District too as a patrol officer. 6 Q Okay. So -- so in February 2020, right before 7 your promotion to detective, are you still assigned to 8 the 264 tactical team? 9 A I don't know. I -- I don't know if I'm 10 assigned there or if I was in the academy at the time 11 for the detective class. I'm not 100 percent sure. 12 Q Okay. Or say before you were in the detective 13 class, before you started at the academy, what was your 14 -- were you assigned to the 264 tactical team? 15 A Could you repeat that question, sir? 16 Q Sure. I'm, I mean I'm -- yes. Before you 17 were assigned -- before you started at the academy in 18 the detective class, immediately before that, what was 19 your assignment? 20 A I believe I was assigned at a 264 tactical 21 team. 22 Q Okay. And I believe you said before, is it 23 correct that you were not on the street, but inside in 24 terms of your responsibilities? 25 A Yes, that's correct.</p>	<p style="text-align: right;">Page 40</p> <p>1 Office. 2 Q Okay. Have you held any other assignments as 3 a detective? 4 A Not that I'm aware -- no. 5 Q Okay. And what work do you do in the Case 6 Management Office? 7 A The Case Management Office, there's jobs that 8 come in that filter out from the different districts, 9 and they get filter into our inbox or through our case 10 and it's -- and we filter out the jobs and we assign 11 them to the detectives when they need to be. Otherwise, 12 we give them to the summary officers and then the 13 summary officers turns around and calls the victims, and 14 then they go from there. And we also close cases too, 15 for Case Management. 16 Q Okay. And are there any other major parts of 17 your responsibilities in the Case Management Office? 18 A I don't understand my question. 19 Q Sure. I guess, do you have any other 20 responsibilities at the Case Management Office? 21 A Like I said, I filter out jobs and I'm also 22 summary officer, a summary detective, I should say. 23 Q Okay. And what does a summary detective do? 24 A Summary detective calls victims on the police 25 report, and they advised the victim of how to get that</p>
<p style="text-align: right;">Page 39</p> <p>1 Q Okay. And in your work on the inside, what 2 were you -- what were you doing? 3 A I don't recall everything I did inside. I 4 know I -- administrative duties, administrative duties. 5 Q Okay. And can you give -- can you tell me 6 what kinds of things those administrative duties 7 included? 8 A I know I entered traffic -- traffic card, 9 cards. And then I don't recall what else I did 10 administrative duties. I know I did other things for 11 supervisors, if they needed something, but -- 12 Q Yeah. 13 A -- specifics, no, I don't know. 14 Q Okay. So, after being promoted to detective 15 -- well, let me ask you. Have you had multiple 16 assignments since you became a detective? 17 A I don't understand multiple assignments. 18 Q Sure. So, you -- so are you still assigned to 19 the 264 tactical team? 20 A Today? 21 Q Yeah. 22 A No. 23 Q Okay. Where are you assigned today? 24 A I'm at Area Four. That's at 3150 West 25 Flounoy, and I'm assigned to the Case Management</p>	<p style="text-align: right;">Page 41</p> <p>1 person arrested or get a summons or if they want to 2 pursue the cases that they file. And we advise them how 3 to get that person arrested or get a civil no contact 4 order. We advise them to go -- go get that and see if 5 they want to pursue the charges or not. 6 Q Okay. Do your current responsibilities 7 include investigating cases in any way? 8 MR. BAZAREK: I'm going to object to the form 9 of the question. That's my objection, and object 10 further to foundation. 11 Q Is that -- 12 A Could you explain on investigating? 13 Q Sure. Do your current responsibilities 14 include gathering information related to criminal cases? 15 A Well, sure, because that's when the victim 16 tells us of what happens during the case. And when I 17 read it, yes, that's gathering information, when -- 18 Q Okay. So -- 19 A I read the case and then I go from there. So 20 yes, that would be gathering information about the case. 21 Q Okay. So, you call victims, you speak to 22 them, you take notes on what they tell you? That is 23 part of and -- full stop. 24 A I don't take notes when I talk to the victims. 25 Q Okay. And so, do you record any information</p>

<p style="text-align: right;">Page 42</p> <p>1 about what the victims tell you?</p> <p>2 A I do. Sometimes I write a progress report or</p> <p>3 a -- a suspended case report or some other type of case</p> <p>4 report. I do, I -- yes, I have written reports.</p> <p>5 Q Okay. And has the -- are you aware of any</p> <p>6 restrictions that the Chicago Police Department has</p> <p>7 placed on you?</p> <p>8 A That the police department put restrictions on</p> <p>9 me?</p> <p>10 Q Correct.</p> <p>11 A Not that I'm aware of? No.</p> <p>12 Q Okay. Okay. I want to talk about Leonard</p> <p>13 Gipson. Do you know a Leonard Gipson?</p> <p>14 A The name sounds familiar that's --</p> <p>15 Q Okay. Do you remember anything specific about</p> <p>16 him? Do you have an independent recollection of</p> <p>17 anything about him?</p> <p>18 A I know he was a drug dealer in Ida B. Wells</p> <p>19 housing complex.</p> <p>20 Q Okay. Did you remember interacting with him?</p> <p>21 A Not -- the best of my knowledge, no.</p> <p>22 Q Okay. Would it refresh your recollection to</p> <p>23 look at the -- at documents, like an arrest report or</p> <p>24 vice case report, involving him?</p> <p>25 A Yes, that would help me recollect it. Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q Okay. Now, and is this your -- so on the</p> <p>2 first page looking at the lower left, is that your name</p> <p>3 as -- is your name listed as the first reporting</p> <p>4 officer?</p> <p>5 A Yes, sir.</p> <p>6 Q And is that your signature below your name?</p> <p>7 A Yes, sir.</p> <p>8 Q Okay. And does that indicate that you wrote</p> <p>9 this report?</p> <p>10 A It doesn't mean that I wrote it, but that I</p> <p>11 would attest to it and write it over if it does.</p> <p>12 Q Okay. Is -- and so if you said it doesn't --</p> <p>13 and so is it -- who else could have written the report?</p> <p>14 A Another officer on my team.</p> <p>15 Q And would the writer always sign -- always</p> <p>16 include and sign their name also?</p> <p>17 A Could you repeat that question?</p> <p>18 Q Sure. Would the person who actually wrote the</p> <p>19 report, would they always sign the report as well?</p> <p>20 MR. BAZAREK: Object to foundation. Calls for</p> <p>21 speculation.</p> <p>22 A And one more time, could you repeat that? I'm</p> <p>23 sorry.</p> <p>24 Q Sure. Would the person who wrote a vice case</p> <p>25 report always also signed that report?</p>
<p style="text-align: right;">Page 43</p> <p>1 Q Okay. I -- I'd like to pull your attention to</p> <p>2 Exhibit 2. That is a vice case report. It's on -- and</p> <p>3 I'm going to say the Bates number is Copa Watts 045445.</p> <p>4 And can I ask you to take a moment and review this</p> <p>5 document, please? Do you have it in front of you?</p> <p>6 (EXHIBIT 2 MARKED FOR IDENTIFICATION)</p> <p>7 A Yes, I believe I have it. My -- I know my</p> <p>8 numbers are cut out. I have 045, but then I have a</p> <p>9 black dot.</p> <p>10 Q It's -- yeah, it's -- well, it's a two-page</p> <p>11 document.</p> <p>12 A Yes, I have it right in front of me.</p> <p>13 Q Great. Now, can you tell --</p> <p>14 A Excuse me.</p> <p>15 Q Bless you. Can you tell from this report</p> <p>16 where -- now, does this report indicate that an arrest</p> <p>17 took place?</p> <p>18 MR. BAZAREK: Read the whole thing. Take your</p> <p>19 time.</p> <p>20 A Yes, it does.</p> <p>21 Q Okay. And can you tell from the report where</p> <p>22 the arrest took place?</p> <p>23 A Yes, sir.</p> <p>24 Q And where did it take place?</p> <p>25 A 527 East Browning.</p>	<p style="text-align: right;">Page 45</p> <p>1 MR. BAZAREK: Object to the form of the</p> <p>2 question - vague, ambiguous compound, foundation.</p> <p>3 A Not always.</p> <p>4 Q Okay. So, in your experience, sometimes</p> <p>5 someone -- sometimes the person who writes a report does</p> <p>6 not sign that report?</p> <p>7 MR. BAZAREK: Object to the form of the</p> <p>8 question.</p> <p>9 A That's correct.</p> <p>10 Q Okay. But you said, because you signed the</p> <p>11 report, you would attest that what's in here is true. Is</p> <p>12 that correct?</p> <p>13 A That's correct. And I would probably write</p> <p>14 the arrest report too.</p> <p>15 Q Got it. Got it. Okay. So, beginning here,</p> <p>16 here it says that A/Os were conducting a premise check</p> <p>17 of the CHIHA building. What does A/O refer to?</p> <p>18 A A/Os were the arresting officers.</p> <p>19 Q Okay. And how can you -- can you tell from</p> <p>20 this report who the arresting officers were?</p> <p>21 A The first arresting officers was myself and</p> <p>22 Officer Jones.</p> <p>23 Q Okay. So, when a, when a report refer -- in</p> <p>24 your experience, when a report refers to arresting</p> <p>25 officers, are those the officers who've signed the</p>

<p style="text-align: right;">Page 46</p> <p>1 report?</p> <p>2 MR. BAZAREK: Object to the form of the</p> <p>3 question, foundation.</p> <p>4 A Could you repeat that question?</p> <p>5 Q Yes. In your experience, when a report refers</p> <p>6 to arresting officers, are those the same officers who</p> <p>7 signed the report?</p> <p>8 MR. BAZAREK: Same objection.</p> <p>9 A Not necessarily. An assisting officer could</p> <p>10 us, could've signed my -- could've signed an officer's</p> <p>11 name.</p> <p>12 Q Okay. So, here it says that the arresting</p> <p>13 officers entered the rear door of the above building and</p> <p>14 observed above offender standing in the lobby area</p> <p>15 holding a clear plastic bag containing numerous bags,</p> <p>16 suspect narcotics. Do you have an independent</p> <p>17 recollection of that?</p> <p>18 A No.</p> <p>19 Q Okay. It go -- it continues that the above</p> <p>20 offender looked in the arresting officers' direction and</p> <p>21 placed that bag into his waistband area. Do you have an</p> <p>22 independent recollection of that?</p> <p>23 A No.</p> <p>24 Q Okay. It says that police officer D. Nichols</p> <p>25 immediately recovered the bag and placed the above</p>	<p style="text-align: right;">Page 48</p> <p>1 have any impression of why they would be holding drugs</p> <p>2 in their hands instead of say hiding them somewhere?</p> <p>3 MR. BAZAREK: Object to the form of the</p> <p>4 question, also calls for speculation and foundation.</p> <p>5 A If I had to answer that question, I can't</p> <p>6 speak for the drug dealers of what they would -- why</p> <p>7 they would be holding it. Best of my knowledge, I</p> <p>8 would, I would assume that it would be easier to sell</p> <p>9 the drugs when the customer comes in and tries to buy</p> <p>10 the suspect narcotics.</p> <p>11 Q Okay. So, I want to turn your attention to</p> <p>12 Mr. Gipson's affidavit. This is going to be, let's see</p> <p>13 -- this is going to be Exhibit 3. I'd actually first</p> <p>14 like to show you, the first page there is a picture --</p> <p>15 let me see. Oh, I'm having some trouble -- you may have</p> <p>16 to give me a second here. Okay. So, this is Bates City</p> <p>17 BG 31496. Do you see that photo?</p> <p>18 (EXHIBIT 3 MARKED FOR IDENTIFICATION)</p> <p>19 A I see the photograph, yes.</p> <p>20 Q Okay. Do you recognize who that is?</p> <p>21 A This would be -- I believe that this --</p> <p>22 Leonard Gipson.</p> <p>23 Q Okay. And so, I next want to point you to Mr.</p> <p>24 Gipson's affidavit. This is also Exhibit 3, and I</p> <p>25 actually want to point you to paragraph 17 of Mr.</p>
<p style="text-align: right;">Page 47</p> <p>1 offender into custody. Do you have an independent</p> <p>2 recollection of that?</p> <p>3 A Not -- not independent recollection, no.</p> <p>4 Q Okay. Do you have any idea what it means when</p> <p>5 it says that you immediately recovered said bag?</p> <p>6 A By reading this, immediately would be</p> <p>7 immediately, right after I saw it happen. Immediately.</p> <p>8 Q Okay. So, does that mean you would've taken</p> <p>9 bag from his waistband before you did anything else?</p> <p>10 A By reading this report, I would assume yes.</p> <p>11 But like I said, I don't have any independent</p> <p>12 recollection, but by reading this, yes.</p> <p>13 Q Okay. And so, did you often see people -- so</p> <p>14 -- and do you have any independent recollection of how</p> <p>15 Mr. Gipson was holding the bag of drugs?</p> <p>16 A I don't know how he was holding it, but with</p> <p>17 this report, you could see the bag and then see the</p> <p>18 suspect narcotics inside the bag. But the way he was</p> <p>19 holding it, how you worded it? No. I don't -- no.</p> <p>20 Q And so, was it common to come across people in</p> <p>21 the Ida B. Wells homes who are just holding bags of</p> <p>22 drugs in their hands?</p> <p>23 A Was it common for -- for -- for -- I would say</p> <p>24 the drug dealers, yes.</p> <p>25 Q Okay. And so, it -- okay. Okay. And do you</p>	<p style="text-align: right;">Page 49</p> <p>1 Gipson's affidavit. That's PL Joint 26181. So -- and</p> <p>2 can you go ahead and read paragraph 17 please, and let</p> <p>3 me know when you're done?</p> <p>4 A 17, sir?</p> <p>5 Q Yes, please.</p> <p>6 A All right, sir.</p> <p>7 Q Right. Detective Nichols, do you have any</p> <p>8 reason to dispute paragraph 17 of that affidavit?</p> <p>9 A Yes, sir.</p> <p>10 Q Okay. What reasons do you have to dispute it?</p> <p>11 A This -- this did -- this did not happen that</p> <p>12 day. If it did, it didn't happen in my presence, and I</p> <p>13 would had no reason to believe it did. And when he got</p> <p>14 arrested, I know it's true and accurate because that's</p> <p>15 what I wrote in my report. And I know this didn't</p> <p>16 happen when he got arrested.</p> <p>17 Q So you dispute this because your written</p> <p>18 report is different from what this affidavit says in</p> <p>19 paragraph 17?</p> <p>20 A Yes, and I know that's a complete lie.</p> <p>21 Q Okay. Do you have any independent</p> <p>22 recollection of the events on that day, aside from</p> <p>23 what's written in your report?</p> <p>24 A No, sir.</p> <p>25 Q Okay. And -- okay. Mr. Nichols -- I'm sorry,</p>

<p style="text-align: right;">Page 50</p> <p>1 Detective Nichols, have you ever lied under oath?</p> <p>2 A No, I have not.</p> <p>3 Q And have you ever given testimony under oath</p> <p>4 that you later realized was false?</p> <p>5 A What's that question? I'm sorry.</p> <p>6 Q Have you ever given testimony under oath that</p> <p>7 you later realized was false?</p> <p>8 A No, sir. Not -- no.</p> <p>9 Q Okay. So, I next want to talk about Cerise</p> <p>10 Johnson. Do you know a Cerise Johnson?</p> <p>11 A No, I don't.</p> <p>12 Q Okay. Do you remember someone from the Ida B.</p> <p>13 Wells homes with a nickname of Ricky?</p> <p>14 A Best of my knowledge, no. No, I don't.</p> <p>15 Q Okay. Would it refresh your recollection to</p> <p>16 look at an arrest report involving Cerise Johnson?</p> <p>17 A It would help, yes.</p> <p>18 Q Okay. I am going to turn your attention</p> <p>19 please to Exhibit 5. This is a document beginning Bates</p> <p>20 number 052839. And let's see. Okay. And could you</p> <p>21 please take a moment to review the document?</p> <p>22 (EXHIBIT 5 MARKED FOR IDENTIFICATION)</p> <p>23 A Okay, sir.</p> <p>24 Q Okay. Now, can you tell from this document</p> <p>25 where the arrest took place?</p>	<p style="text-align: right;">Page 52</p> <p>1 numerous things, different roles for assisting arresting</p> <p>2 officers. There could be numerous things that assisting</p> <p>3 officer does.</p> <p>4 Q Okay. What -- are there -- why would you be</p> <p>5 listed as the assisting arresting and not as the first</p> <p>6 or second arresting officer?</p> <p>7 A Because that's who's -- was preparing it for</p> <p>8 first arresting -- they just took the case and then they</p> <p>9 were, they were assigned to box one and back two, first</p> <p>10 arresting officer and second arresting officer.</p> <p>11 Q Okay. So, is there any difference between --</p> <p>12 is there any sort of standard or practice as to who</p> <p>13 would be listed as the first or second as opposed to</p> <p>14 assisting?</p> <p>15 A No, not -- not standard. No. There's -- no,</p> <p>16 not standard. No.</p> <p>17 Q Is there any path pattern that you've observed</p> <p>18 as an -- as you -- yeah. Is there any pattern that</p> <p>19 you've observed?</p> <p>20 MR. BAZAREK: Object to the form of the</p> <p>21 question, vague, ambiguous, lacking foundation. Go</p> <p>22 ahead.</p> <p>23 A I would say not a pattern, but no, no, not --</p> <p>24 no.</p> <p>25 Q Okay. Can you say anything at all about why</p>
<p style="text-align: right;">Page 51</p> <p>1 A At 574 East 36th Street.</p> <p>2 Q Okay. And is that a building within the Ida</p> <p>3 B. Wells homes?</p> <p>4 A It is.</p> <p>5 Q Okay. And can you tell specifically within</p> <p>6 the building where the arrest took place?</p> <p>7 A That's correct.</p> <p>8 Q I'm sorry. Where within the building did the</p> <p>9 arrest take place?</p> <p>10 A On the third floor landing.</p> <p>11 Q Third floor landing. Okay. Okay. And can</p> <p>12 you tell from this report what role you played in the</p> <p>13 arrest?</p> <p>14 A It does not show what a role I had.</p> <p>15 Q Okay. And is it correct that you're not</p> <p>16 listed as the first or the second arresting officer, but</p> <p>17 instead as an assisting arresting officer?</p> <p>18 A Excuse me?</p> <p>19 Q Is it correct that you're listed as an</p> <p>20 assisting arresting, assisting arresting officer?</p> <p>21 A Yes, it has me down as assisting arresting</p> <p>22 officer.</p> <p>23 Q Okay. And what does that mean that you were</p> <p>24 an assisting arresting officer?</p> <p>25 A Assisting arresting officers could mean</p>	<p style="text-align: right;">Page 53</p> <p>1 someone would be listed as first arresting and -- or</p> <p>2 second arresting as opposed to assisting other than --</p> <p>3 yeah. Is there anything you can say about why someone</p> <p>4 would be listed one place or another there?</p> <p>5 A Majority of the time, sometimes the first</p> <p>6 arresting officers, they want to observe the events. But</p> <p>7 it doesn't always have -- they don't always have to be</p> <p>8 the first and second arresting officer.</p> <p>9 Q Okay. So, is it correct that there's a</p> <p>10 tendency that the officers who are first to respond are</p> <p>11 more likely to be listed as first or second arresting?</p> <p>12 MR. BAZAREK: I -- I'm going to just object to</p> <p>13 form of the question and foundation.</p> <p>14 A Like what I stated before, it doesn't recall</p> <p>15 them to be had to be first and second arresting officer.</p> <p>16 Q So my -- let me ask again. Is it like, would</p> <p>17 you -- is there a tendency that -- let me ask it this</p> <p>18 way. If someone is listed as first arresting officer or</p> <p>19 second arresting officer, does that mean it's more</p> <p>20 likely that they were the -- they were first to respond?</p> <p>21 A Like I said, it -- it doesn't have to be like</p> <p>22 that. The first arresting officer and second arresting</p> <p>23 officer doesn't always have to be the first one that</p> <p>24 responds.</p> <p>25 Q But do you understand the difference between</p>

<p style="text-align: right;">Page 54</p> <p>1 something always being the case and being more likely to 2 be the case?</p> <p>3 MR. BAZAREK: Object to the form of the 4 question. It's also argumentative.</p> <p>5 A I would answer this -- I would answer the same 6 way, sir. It doesn't always have to be same way for 7 every case.</p> <p>8 Q Right. But you understand that I'm not asking 9 always. I'm asking is it more likely?</p> <p>10 MR. BAZAREK: Object to the form of the 11 question, foundation.</p> <p>12 A I don't know. I -- I don't know. I would say 13 that the -- it doesn't always have to be like that.</p> <p>14 Q Do you understand that I'm -- what I'm asking 15 right now is making sure that you understand -- 16 understood my question.</p> <p>17 A I can't answer if there's always that certain 18 way of how, how it's -- how they are. I don't know. I 19 -- I don't know. It -- it doesn't always have to be the 20 first, first one who arrives on scene that they're 21 always box one and box two, the first arresting officer.</p> <p>22 Q So would you say that if you see someone 23 listed as first arresting or second arresting, that 24 doesn't mean anything to you? You can't make any 25 inference from that?</p>	<p style="text-align: right;">Page 56</p> <p>1 A That's correct.</p> <p>2 Q Okay. And do you have any independent 3 recollection of this arrest?</p> <p>4 A No, sir.</p> <p>5 Q Okay. It says here that the AOs announced 6 their office -- well, actually, sorry. Let me back up 7 please. Strike that. This says that the AOs entered 8 the third floor hallway and observed the above offender 9 holding a clear plastic bag containing numerous bags. 10 Suspect narcotics. Do you have any independent 11 recollection of that?</p> <p>12 A No, sir.</p> <p>13 Q Okay. It then says that the AOs announced 14 their office. Do you know -- what does that mean, 15 "announced their office"?</p> <p>16 A Usually when they announce their office, you 17 say, "I'm the police," or "We're police," or something 18 of that nature.</p> <p>19 Q And do you remember who said that?</p> <p>20 A I don't.</p> <p>21 Q Okay. And then it says that -- okay. Do you 22 have any recollection of where in the third floor 23 hallway Mr. Johnson was standing during the arrest?</p> <p>24 A I don't. It just says third floor hallway.</p> <p>25 Q Okay. Those are all the questions I have on</p>
<p style="text-align: right;">Page 55</p> <p>1 A When I see box one and box two, those are the 2 ones who are preparing the report, and they get called 3 to go to court.</p> <p>4 Q Okay. Okay. Can you tell anything else about 5 them?</p> <p>6 A The best of my knowledge, no. No.</p> <p>7 Q Okay. And so, I guess just one more time, do 8 you have any independent recollection of the arrest 9 that's described in this report?</p> <p>10 A Not to my recollection, no.</p> <p>11 Q Okay. So, I want to move now to Exhibit 7.</p> <p>12 This is another arrest report, starting Bates stamp City 13 BG 52846. Can you let me know when you have that 14 document in front of you?</p> <p>15 (EXHIBIT 7 MARKED FOR IDENTIFICATION)</p> <p>16 A Yes, sir.</p> <p>17 Q Okay. Can you please review that report and 18 let me know when you're done?</p> <p>19 A Okay.</p> <p>20 Q Okay. Can you tell from this report where the 21 arrest took place?</p> <p>22 A 575 East Browning.</p> <p>23 Q Okay. And does it say -- and this says that 24 the arrest occurred in the third floor hallway of that 25 building. Is that correct?</p>	<p style="text-align: right;">Page 57</p> <p>1 that arrest report. I want to now turn to Exhibit 9, 2 which is the affidavit of Zarice Johnson. Can you go 3 ahead and please start by reviewing paragraphs one to 4 six of Zarice Johnson's affidavit? And this is Bates 5 Number PL Joint 52201.</p> <p>6 (EXHIBIT 9 MARKED FOR IDENTIFICATION)</p> <p>7 A And you said one through six, correct?</p> <p>8 Q Yes, please.</p> <p>9 A Okay.</p> <p>10 Q Okay. So, do you have any independent 11 recollection to contradict anything that's in -- 12 anything that is in those paragraphs?</p> <p>13 A I don't know. I don't have any independent 14 recollection, but I do know that it is false, and it is 15 a lie.</p> <p>16 Q Okay. And that would be based on what you 17 reviewed in the arrest report. Is that correct?</p> <p>18 A That's correct, because I stand by my arrest 19 report, and I never arrested anyone illegally.</p> <p>20 Q Okay. I'd next like you to turn to paragraphs 21 11 to 16 of this affidavit, that's going to be on PL 22 Joint 52202, and please review paragraphs 11 to 16 and 23 let me know when you have.</p> <p>24 A Okay, sir. Okay, sir.</p> <p>25 Q Okay. Do you have any independent</p>

<p style="text-align: right;">Page 58</p> <p>1 recollection contradicting what's in paragraphs 11 to 16 2 of that affidavit? 3 A Not any independent recollection, no, like I 4 said before, but I know it's a complete lie and it's a 5 complete false statement. 6 Q Okay. So, have you ever told someone that 7 they would lose their apartment if drugs were found in 8 their apartment? 9 A No. Not -- no. 10 Q Have you ever heard another officer make a 11 statement to that effect? 12 A No. Not -- no. Not that I recall, no. 13 Q Have you ever offered not to arrest someone if 14 they could help you find drugs? 15 A No, sir. 16 Q Okay. Have you ever offered not to arrest 17 someone if they could help you find guns? 18 A No, sir. 19 Q And have you ever heard another officer offer 20 not to arrest someone if they would help find drugs? 21 A No. 22 Q Okay. And same question, have you ever heard 23 another officer offer not to arrest someone if they 24 would help find guns? 25 A No, sir. No.</p>	<p style="text-align: right;">Page 60</p> <p>1 you've got that in front of you? 2 A What is it? I'm sorry. 3 Q Yeah. Sorry. This is Exhibit 5. This is the 4 arrest report of Eric Johnson, BG 52839. 5 A I'm looking at it. 6 Q Great. And do you see a photo in the upper 7 right corner of that document? 8 A I do. 9 Q And do you recognize the person in that photo? 10 A I don't. 11 Q Okay. Great. Another question. Have you 12 ever reported another officer for misconduct? 13 A I have not. No. 14 Q Okay. And have you ever observed another 15 officer committing misconduct? 16 A No, sir. 17 Q Okay. So, let's keep moving. I'm going to 18 call your attention to -- let's see. Looks like that's 19 going to be Exhibit 10. Wait. Actually, I'm sorry. 20 Sorry. Sorry. Not yet. Do you know a Derrick Lewis? 21 A No. Not to my recollection, no. 22 Q Okay. Do you remember anyone at the Ida B. 23 Wells homes with the nickname of Bear? 24 A Bear? 25 Q Uh-huh.</p>
<p style="text-align: right;">Page 59</p> <p>1 Q Okay. And do you understand what I mean when 2 I say offer not to arrest someone? 3 A I would assume -- I would -- well, we found 4 them guilty of a crime, that I would let them go if they 5 gave me a gun, or another officer a gun. 6 Q Okay. Good. And -- 7 MR. BAZAREK: Can we take a break? Let's take 8 about a ten-minute break. 9 MR. HILKE: Yes. 10 MR. BAZAREK: Okay. 11 COURT REPORTER: The time is 11:17 a.m. We're 12 going off the record. 13 (OFF THE RECORD) 14 COURT REPORTER: Okay. We are back on the 15 record for the deposition of Douglas Nichols, being 16 conducted by video conference. My name is Jesse 17 Harp. Today is the 18th day of April, and the 18 current time is 11:28 a.m. 19 BY MR. HILKE: 20 Q Okay. Detective Nichols, I'd actually like to 21 put your attention back to Exhibit 5 for a minute. 22 That's the arrest report starting at -- sorry. The 23 Bates number escaped me for a minute here. At City BG 24 52839. I'd just like you to look at the photo in the 25 upper right of that arrest report. Can you tell me when</p>	<p style="text-align: right;">Page 61</p> <p>1 A No, sir. 2 Q Okay. Would it refresh your recollection to 3 look at an arrest report? 4 A Yes, it would. 5 Q Okay. I'm a going to call your attention to 6 Exhibit 10. That is PL Joint 30337, and I'll ask that 7 you review it and let me know when you finish doing so. 8 (EXHIBIT 10 MARKED FOR IDENTIFICATION) 9 A Okay, sir. 10 Q Okay. Starting on the first page with the 11 photo in the upper right corner, do you recognize the 12 person in that photo? 13 A I don't, sir. 14 Q Okay. Going down, is it correct that this 15 report says your arrest occurred at 574 East 36th 16 Street? 17 A Yes. That's where the arrest was. Correct. 18 Q Okay. And do you have any independent 19 recollection of this arrest? 20 A No, I don't. 21 Q Okay. Okay. Okay. So, I next would like -- 22 I accidentally sent you two Exhibit 11s. I'm going to 23 call the document I'm asking you to look at now Exhibit 24 11A. This is PL Joint 030342, and it's a vice case 25 report. Do you have that in front of you?</p>

<p style="text-align: right;">Page 62</p> <p>1 (EXHIBIT 11A MARKED FOR IDENTIFICATION)</p> <p>2 A I'm looking at the vice case. What is it? PL</p> <p>3 what? Joint what?</p> <p>4 Q Joint 030342.</p> <p>5 A Yeah, so I'm looking at that right now.</p> <p>6 Q Okay. Got it. And can I ask that you take a</p> <p>7 moment to review this document and let me know when</p> <p>8 you've done so?</p> <p>9 A Yes, sir.</p> <p>10 MR. BAZAREK: It's also a two-page document,</p> <p>11 that the second page ends in 43.</p> <p>12 MR. HILKE: Yes, that's correct. Thank you.</p> <p>13 A Okay, sir.</p> <p>14 BY MR. HILKE:</p> <p>15 Q Okay. And is your name listed as a reporting</p> <p>16 officer at the bottom of the first page?</p> <p>17 A It does.</p> <p>18 Q And does that mean that you would attest to</p> <p>19 the truth of what's written in here?</p> <p>20 A It does.</p> <p>21 Q Okay. And does this -- and this report gives</p> <p>22 the location as 559 East Browning. Is that correct?</p> <p>23 A That's correct.</p> <p>24 Q Okay. And is -- okay. And turning to the</p> <p>25 second page, it says that as the AOs, arresting</p>	<p style="text-align: right;">Page 64</p> <p>1 A Because best of my knowledge that he was</p> <p>2 trying to get rid of the narcotics and then trying to</p> <p>3 flee on foot.</p> <p>4 Q Okay. And so, continuing in the report, it</p> <p>5 says that -- it says that the officers chased Mr. Lewis</p> <p>6 up to the seventh floor and put him in custody, and then</p> <p>7 found additional narcotics on him at that time. Is that</p> <p>8 correct?</p> <p>9 A That's correct.</p> <p>10 Q And do you have any explanation why someone</p> <p>11 would drop some, but not all, of the narcotics in their</p> <p>12 possession while fleeing from the police?</p> <p>13 MR. BAZAREK: Object to the form of the</p> <p>14 question. Foundation. Calls for speculation. Go</p> <p>15 ahead.</p> <p>16 A I couldn't answer that question. That's</p> <p>17 something you would have to ask your client, that</p> <p>18 question, but if I had to answer it, maybe he could just</p> <p>19 get to the narcotics, the Newport box, and he didn't get</p> <p>20 the others out. I couldn't answer that question.</p> <p>21 Q Okay. And do you have any recollection of</p> <p>22 this incident, any independent recollection beyond</p> <p>23 what's written in the report?</p> <p>24 A No, sir.</p> <p>25 Q Okay. Just one moment, please. Okay. So, I</p>
<p style="text-align: right;">Page 63</p> <p>1 officers, approached the offender and announced their</p> <p>2 office, the offender reached into his front pants area</p> <p>3 and discarded to the ground a torn Newport cigarette box</p> <p>4 containing Ziploc baggies. Is that correct?</p> <p>5 A Yes. That's what the report reads. Correct.</p> <p>6 Q Okay. And in your experience, is that the</p> <p>7 only time you've approached someone for them to discard</p> <p>8 narcotics when you approach them?</p> <p>9 MR. BAZAREK: Object to the form of the</p> <p>10 question. Vague, ambiguous, compound, foundation.</p> <p>11 A Could you repeat that question?</p> <p>12 Q Sure. So, what this report says is, as you</p> <p>13 and other officers approached, Mr. Lewis threw a Newport</p> <p>14 cigarette box with drugs in it -- dropped a Newport</p> <p>15 cigarette box with drugs in it to the ground. Is that</p> <p>16 correct?</p> <p>17 A That's correct.</p> <p>18 Q Okay. And do you find it odd that someone</p> <p>19 would produce and discard drugs when they see a police</p> <p>20 officer approaching them?</p> <p>21 A I wouldn't say it's odd, no.</p> <p>22 MS. DOI: Object to form.</p> <p>23 Q Sorry. Can you please give your answer again?</p> <p>24 A I wouldn't say it's odd, no.</p> <p>25 Q Okay. Why not?</p>	<p style="text-align: right;">Page 65</p> <p>1 now want to call your attention to what I'm going to</p> <p>2 call Exhibit 11B. This is a 40-page document. I'm</p> <p>3 sorry for sending so much. The page I'd like you to</p> <p>4 look at is the 19th page of that document. It's a trial</p> <p>5 transcript.</p> <p>6 (EXHIBIT 11B MARKED FOR IDENTIFICATION)</p> <p>7 MR. BAZAREK: Yeah. Counsel, we don't -- that</p> <p>8 one we don't have. He doesn't have a copy. Can you</p> <p>9 put it up on the screen?</p> <p>10 MR. HILKE: Yeah, of course.</p> <p>11 BY MR. HILKE:</p> <p>12 Q So Mr. Nichols, I'm going to share a document</p> <p>13 with you now on your screen, and can you see that</p> <p>14 document in front of you there?</p> <p>15 A I see. Yes. Yes, sir.</p> <p>16 Q And is it sort of set up as a full page? Can</p> <p>17 you read it clearly?</p> <p>18 A Yes.</p> <p>19 Q Okay. So, I'm going to call this Exhibit 11B.</p> <p>20 This is DO Joint 33249, and I'm going to represent you</p> <p>21 that this is a trial testimony from October 17, 2007, in</p> <p>22 People v. Lewis. And I'm now scrolling down into the</p> <p>23 document, and I'm going to try to find what I'm looking</p> <p>24 for here for a second. Okay. So -- let's see. Okay.</p> <p>25 So, I'm pointing you to page -- what's page three of</p>

<p style="text-align: right;">Page 66</p> <p>1 this document, DO Joint 33251. Do you see here that this</p> <p>2 is your testimony that you saw Mr. Lewis reach into his</p> <p>3 front pocket and discard a torn Newport cigarette box,</p> <p>4 and then several baggies filled with white powder</p> <p>5 substance fell to the ground? Is that -- do you have any</p> <p>6 -- do you have any independent recollection of that?</p> <p>7 A No, sir.</p> <p>8 Q Okay. And it says that you picked up the</p> <p>9 Newport box, and then Mr. Lewis fled the scene. Do you</p> <p>10 have any independent recollection of that?</p> <p>11 A No, sir.</p> <p>12 Q Okay. I think I -- I could keep going through</p> <p>13 this, but let me just ask -- well, I'm sorry. Let me</p> <p>14 just do one more thing here. Okay. And so, this says</p> <p>15 that you were in -- says that you were in a constant</p> <p>16 communication and contact with your partners. Do you</p> <p>17 have any independent recollection of that portion of the</p> <p>18 arrest of your communication with your partners?</p> <p>19 A No, sir.</p> <p>20 Q Okay. Am I'm correct in saying you don't have</p> <p>21 any independent recollection at all of any of these</p> <p>22 events?</p> <p>23 A No, I don't have any independent recollection.</p> <p>24 Q Okay. Thank you. All right. I would next</p> <p>25 -- I'm next going to turn -- and I'm going to stop</p>	<p style="text-align: right;">Page 68</p> <p>1 Q Sure. Have you ever beaten anybody?</p> <p>2 A Beat? Could you rephrase that? What -- I</p> <p>3 don't understand beaten.</p> <p>4 Q Sure. So, in this affidavit, Mr. Lewis says</p> <p>5 that Watts, Gonzalez, and another white officer took him</p> <p>6 around the corner and began beating him. Does that make</p> <p>7 sense to you, what it means to beat somebody?</p> <p>8 A The best of my -- beating, yes.</p> <p>9 Q And when you say yes, do you mean yes, you</p> <p>10 have beaten somebody or yes, you know what it means?</p> <p>11 A No. Don't put words in my -- don't put words</p> <p>12 in my mouth, sir. No. I never beaten someone that was</p> <p>13 not justified and to the physical arrest, and that was</p> <p>14 documented, and I wouldn't say beaten either.</p> <p>15 Q Uh-huh. And so -- right. So, you would say</p> <p>16 that all of -- the only -- anytime you've used force</p> <p>17 against somebody, it was only as necessary with legal</p> <p>18 justification to gain compliance, et cetera.</p> <p>19 A That's correct, sir.</p> <p>20 Q And have you ever seen another officer use</p> <p>21 force that was excessive beyond what was necessary to</p> <p>22 gain compliance from somebody?</p> <p>23 A No, sir.</p> <p>24 Q Okay. I'm going to move on to talk about</p> <p>25 Lionel White Senior. Let me see here. Good. So, I'm</p>
<p style="text-align: right;">Page 67</p> <p>1 sharing this now. I'm going to turn to Exhibit 12,</p> <p>2 which is an affidavit of Mr. Lewis, and I'm going to ask</p> <p>3 you to review paragraphs 11 to 14 of that affidavit.</p> <p>4 So, if you could -- and this is at PL Joint 30332, so if</p> <p>5 you could review paragraphs 11 to 14 and let me know</p> <p>6 when you have.</p> <p>7 (EXHIBIT 12 MARKED FOR IDENTIFICATION)</p> <p>8 A 11 to 14, sir?</p> <p>9 Q Yes, please.</p> <p>10 MR. BAZAREK: Counsel, what's this exhibit</p> <p>11 number again, for the affidavit?</p> <p>12 MR. HILKE: This should be Exhibit Number 12.</p> <p>13 MR. BAZAREK: Thank you.</p> <p>14 A Okay, sir.</p> <p>15 BY MR. HILKE:</p> <p>16 Q Okay. Do you have any independent</p> <p>17 recollection to dispute any of the paragraphs 11 to 14?</p> <p>18 A Not independent recollection, but looking at</p> <p>19 my -- the case reports, that's it. That's what I</p> <p>20 dispute.</p> <p>21 Q Okay.</p> <p>22 A And I know this is false because he's a drug</p> <p>23 dealer, and this is a false statement.</p> <p>24 Q Okay. And have you ever beaten anybody?</p> <p>25 A Could you repeat that question?</p>	<p style="text-align: right;">Page 69</p> <p>1 going to point you to -- give me one second, please. All</p> <p>2 right. Good. I'm going to point you to Exhibit 14,</p> <p>3 please. This is a document Bates stamp COPA Watts</p> <p>4 45162. I'm sorry. I'm doing this wrong. Strike that.</p> <p>5 Do you know a Lionel White Senior?</p> <p>6 A No, sir.</p> <p>7 Q Okay. Now I'm going to point you. We're</p> <p>8 going to look at Exhibit 14, Bates stamp COPA Watts</p> <p>9 45162, and I am going to -- why don't I have you review</p> <p>10 the arrest report, please, pages one to five? And let</p> <p>11 me know when you're done.</p> <p>12 (EXHIBIT 14 MARKED FOR IDENTIFICATION)</p> <p>13 A Yes, sir. Okay, sir.</p> <p>14 Q Okay. Starting with the photo in the upper</p> <p>15 right of this arrest report on the first page, do you</p> <p>16 recognize the person in that photograph?</p> <p>17 A I don't, sir.</p> <p>18 Q Okay. And it says this was an arrest at</p> <p>19 575 East Browning Avenue. Is that correct?</p> <p>20 A Yes. That was the location of arrest.</p> <p>21 Correct.</p> <p>22 Q Okay. And can you tell from this report what</p> <p>23 role, if any, you played in this arrest?</p> <p>24 A By looking at the arrest report, no, it does</p> <p>25 not.</p>

<p style="text-align: right;">Page 70</p> <p>1 Q Okay. And do you have any independent 2 recollection of this arrest? 3 A I don't recall. 4 Q Okay. Okay. I'm now going to turn your 5 attention to Mr. White's affidavit. This is Exhibit 15 6 at PL Joint 50539, and I'm going to ask that you review 7 paragraphs three through 13, please, and let me know 8 when you're done. Detective Nichols, I apologize. If 9 you could look at paragraphs one through 13, that's what 10 I'd like you to review. 11 (EXHIBIT 15 MARKED FOR IDENTIFICATION) 12 A One to 13? 13 Q Yes, please. 14 A Okay, sir. 15 Q Okay. Do you know who Kimberly Collins is? 16 A Kimberly Collins, I don't. 17 Q Okay. Have you ever been inside apartment 507 18 at 575 East Browning? 19 A To the best of my recollection, I don't 20 recall. I don't know. 21 Q Okay. And do you have any independent 22 recollection to dispute any of what you've just read in 23 the affidavit? 24 A Well, I know it's a completely false 25 statement. I know he is a drug dealer. I know he is a</p>	<p style="text-align: right;">Page 72</p> <p>1 Q So I'm sorry. Can you explain to me what 2 contradiction you find in this? 3 A So if you read line one in the arrest report, 4 it says, "In the late of winter, early spring of 2006, I 5 was living with my girlfriend, Kimberly Collins, at 575 6 East Browning, apartment 507, Chicago, Illinois." 7 MR. BAZAREK: That's not the arrest report. 8 A I'm sorry. The affidavit, sir. The exhibit 9 we were just looking at. Then if you look at line seven 10 of the same affidavit on April 2000 – April 24, 2016. 11 I'm sorry. It was – I misunderstood. 2006, 2016. I'm 12 sorry, sir. 13 Q Okay. No problem. Okay. I'm going to move 14 on. 15 A Sorry about that. I misread. 16 Q You're fine. So, do you know a Mr. Pearson? 17 A The name sounds familiar, yes. 18 Q Okay. What do you remember about him? 19 A I know he was a drug dealer at Ida B. Wells 20 housing complex. 21 Q Okay. And do you know anyone at Ida B. Wells 22 who went by the nickname of Lucky? 23 A Mr. Pearson. 24 Q Okay. And do you remember arresting – being 25 involved in an arrest of Mr. Pearson on any occasion?</p>
<p style="text-align: right;">Page 71</p> <p>1 complete liar, and I don't know what happened to this 2 case. Did your client plead guilty or what was that 3 outcome? Do you know? 4 Q So just as a matter of form in the 5 depositions, it's sort of a one way street, as far as 6 the questions go. But so, my question is in disputing 7 that what's written here is true, are you relying at all 8 on an independent memory you have? 9 A Excuse me, sir. I'm sorry. 10 Q Oh yeah. 11 A I didn't know you were -- I thought you were 12 going on with your question. 13 Q I understand. Do you have any independent 14 memory that contradicts what you've read here in this 15 affidavit? 16 A Not independent recollection, no. 17 Q Okay. So, then you're relying entirely on 18 what you've read in other documents as a reason why you 19 would dispute what's written here. 20 A That's correct. Other than the client said 21 that he moved in the apartment in early spring, winter, 22 and then he was at home. And when we arrested him 23 because he said he moved in the winter of early spring 24 of 2006. We arrested him in April of 2006. So, was he 25 living there then?</p>	<p style="text-align: right;">Page 73</p> <p>1 A No, not that I recall, no. To the best of my 2 recollection, no. 3 Q Okay. I'm going to point you to an arrest 4 report. This is Exhibit 17, starting at City BG 52261. 5 I'm actually -- I'm going to start with what's on 6 page one. Do you see a photo in the upper right corner 7 there? 8 (EXHIBIT 17 MARKED FOR IDENTIFICATION) 9 A I do. 10 Q And do you recognize the person in that photo? 11 A Yes. It's a little blurry, but I do recognize 12 him. 13 Q Okay. And who is it? 14 A Mr. Pearson. 15 Q Okay. And am I correct that this report says 16 that this arrest occurred at 574 East 36th Street? 17 A That was arrest, yes. 574 East 36th Street. 18 Q Okay. And let me point you to the second 19 page, the instant narrative. Could you go ahead and 20 review that and let me know when you're done. 21 A On a second page of this right report, sir? 22 Q Yes, please. 23 A Okay. Okay, sir. 24 Q Do you have any independent recollection of 25 any of the events described here?</p>

<p style="text-align: right;">Page 74</p> <p>1 A Not described in this narrative, in this 2 arrest report, no. 3 Q Okay. Let me go ahead down to page three now. 4 I'd like to point your attention to the first and second 5 arresting officers on page three. I just want to ask am 6 I correct that you're listed as the second arresting 7 officer to this incident? 8 A That's correct. Second arresting officer, 9 yes. 10 Q Okay. So, I'd like to now point you to 11 Exhibit 18, which is the vice case report Bates City BG 12 052278. Do you have that in front of you? 13 (EXHIBIT 18 MARKED FOR IDENTIFICATION) 14 A Yes. It's two pages. 15 Q Two pages. 16 A Yes. I have the vice case report. 17 Q Okay. And that's your name and signature at 18 the bottom of the report. 19 A That's my name, but that's not my signature. 20 Q Okay. Who's -- and so where it says Nichols, 21 that's not you who signed it Nichols? 22 A No, sir. 23 Q Okay. Do you know whose signature it is? 24 A I don't know. 25 Q Okay. Is this the only time someone else has</p>	<p style="text-align: right;">Page 76</p> <p>1 personally -- so let me ask it this way. You didn't 2 sign this document personally. Does that mean that you 3 reviewed the document less? 4 A I would review every document my name is going 5 on the paper or any involvement that I have on the 6 paper, I would make sure it's done accurate and 7 correctly and truthfully and lawfully. 8 Q Okay. And so, then the last thing I'll ask is 9 if you could please review this document and let me know 10 if you have when you're done. And let me know when 11 you're done, please. 12 A Okay, sir. Okay, sir. 13 Q Okay. Having you reviewed this document; do 14 you have an independent recollection of anything 15 discussed here? 16 A I do. 17 Q Okay. Tell me what do you remember? 18 A I remember a co-arrestee Sandra Cartwright 19 going out or going out of the window, an apartment from 20 a second story building. 21 Q Okay. And do you remember anything that 22 happened before that? 23 A No, sir. 24 Q Okay. Do you remember anything that happened 25 after that?</p>
<p style="text-align: right;">Page 75</p> <p>1 signed your name to a vice case report? 2 A You're saying is this the only particular time 3 that someone signed my name? 4 Q That's right. 5 A I would assume not. I think there's probably 6 been other times that another officer has signed my name 7 to a case report. 8 Q Okay. And why would another officer sign your 9 name to a vice case report? 10 A Maybe they were the one who was preparing it, 11 but I gave them always permission to sign my name after 12 I read the context of the arrest report or the case 13 report. And I gave them permission to sign my name. 14 Q Okay. So, would you give another -- have you 15 ever given an officer permission to sign your name 16 without reviewing the document first? 17 A No. I would review the document first before 18 I give permission to sign my name to the document. 19 Q Okay. Okay. So, the fact that you weren't 20 the one that signed it, that doesn't mean you reviewed 21 this document any less carefully. 22 MR. BAZAREK: Object to the form of the 23 question, foundation. 24 A Could you repeat that question? 25 Q Sure. So even though you didn't sign this</p>	<p style="text-align: right;">Page 77</p> <p>1 A At what time? 2 Q During the arrest? 3 A No, sir. 4 Q Okay. So, your independent recollection is 5 limited to seeing Ms. Cartwright climbing out the 6 window. 7 A Climbing, exiting, going out the window on the 8 second floor, yes. 9 Q Okay. Okay. And where were you when you saw 10 her exiting the window? 11 A I don't even know if I actually saw her. I 12 don't know if I saw her or if I found out later from 13 other officers that she went out the window, but I just 14 recall her going out of a second-story window. 15 Q So you recall her going out the window, but 16 you don't remember if you saw it or if someone else told 17 you about it? 18 A That's correct. 19 Q Okay. So, do you have a visual memory 20 associated with that? 21 A No. I just remember -- I remember it that she 22 went out of the second-story window. I don't recall if 23 I saw her or if another officer told me. 24 Q Okay. Do you have any other independent 25 recollection of the events described in this document?</p>

<p style="text-align: right;">Page 78</p> <p>1 A No, sir.</p> <p>2 Q Okay. And as you reviewed the document, did</p> <p>3 you read anything that you believed to be incorrect?</p> <p>4 A When I read the documents, no. No, I did not.</p> <p>5 Everything was all truthful.</p> <p>6 Q Okay. Sorry. Give me one moment please.</p> <p>7 A No problem, sir.</p> <p>8 Q Okay. So, let me ask, do you have an Exhibit</p> <p>9 20 in front of you? This would be a trial transcript DO</p> <p>10 Joint 30993.</p> <p>11 A Let me go -- yes. 03993?</p> <p>12 Q That's correct.</p> <p>13 A Yes, sir.</p> <p>14 Q Great. So, you'll see from the first page of</p> <p>15 this document, that this is a report of proceedings in</p> <p>16 People v. Mr. Pearson and Sandra Cartwright. I'd like</p> <p>17 to turn your attention to page 13 of this document,</p> <p>18 which is also DO Joint 31005. And I guess I'm --</p> <p>19 MR. BAZAREK: I'm sorry, what's the exhibit</p> <p>20 number again to this one?</p> <p>21 MR. HILKE: This is exhibit number 20. 2-0.</p> <p>22 MR. BAZAREK: Thank you.</p> <p>23 MR. HILKE: Yep.</p> <p>24 (EXHIBIT 20 MARKED FOR IDENTIFICATION)</p> <p>25 A You said page 13, sir?</p>	<p style="text-align: right;">Page 80</p> <p>1 would testify to?</p> <p>2 MR. HILKE: Oh, good call. Thanks. That's my</p> <p>3 mistake, Detective.</p> <p>4 MR. BAZAREK: I mean, you certainly can ask</p> <p>5 questions about it, but I wanted to make sure we had</p> <p>6 a clean record.</p> <p>7 BY MR. HILKE:</p> <p>8 Q I appreciate that. That's right. Let's move</p> <p>9 ahead to page 13. It says the stipulation is that you</p> <p>10 would testify that you saw Officer Jones pick up a bag</p> <p>11 that Mr. Pearson dropped and that -- one moment please.</p> <p>12 Okay. Okay. Here we go. So, on page 13 says that on</p> <p>13 the scene, inventory of a bag of drugs that Mr. Pearson</p> <p>14 dropped was given to you. Do you have any reason to</p> <p>15 dispute that?</p> <p>16 A Where we are we at sir? I'm sorry.</p> <p>17 Q I'm sorry. I've been jumping around. I'm at</p> <p>18 the top of page 13.</p> <p>19 A Line one or what line?</p> <p>20 Q We're looking at lines four to eight.</p> <p>21 A Okay.</p> <p>22 Q And the question is, if you have any reason to</p> <p>23 dispute that inventory of the bag of drugs that</p> <p>24 defendant Pearson dropped was given to you?</p> <p>25 A I would've to see other of documents prepared,</p>
<p style="text-align: right;">Page 79</p> <p>1 BY MR. HILKE:</p> <p>2 Q Yes, please.</p> <p>3 A Okay.</p> <p>4 Q Okay. Oh, shoot. You know, let's go up to</p> <p>5 page -- let's go up one page, please. Let's go to page</p> <p>6 12. So, this is a stipulation about what your testimony</p> <p>7 would've been at trial. It says that you entered the</p> <p>8 premises at 574 East 50 -- it says 56th Street. I</p> <p>9 assume it's meant to say 36th Street. And that when you</p> <p>10 went there, you went up the stairs and went on to the</p> <p>11 second floor. Do you have any independent recollection</p> <p>12 of that?</p> <p>13 A No, sir.</p> <p>14 Q And do you have any reason that is incorrect?</p> <p>15 A Other than the address, no, sir.</p> <p>16 Q Okay. And it goes on to say that you saw</p> <p>17 Sandra Cartwright open the door and accept two bags from</p> <p>18 Defendant Pearson. Do you have any recollection --</p> <p>19 MR. BAZAREK: Wait, wait, wait, wait, wait. I</p> <p>20 want to have -- I have an objection here. This is</p> <p>21 page 12 of --</p> <p>22 MR. HILKE: Yeah.</p> <p>23 MR. BAZAREK: -- Exhibit 20?</p> <p>24 MR. HILKE: Yeah.</p> <p>25 MR. BAZAREK: And it's referencing what Jones</p>	<p style="text-align: right;">Page 81</p> <p>1 maybe the inventory, but my recollection, I don't</p> <p>2 recall. Maybe other documents would help me recollect</p> <p>3 it.</p> <p>4 Q I appreciate that. And then on lines ten to</p> <p>5 14 that you took the bag to the station, inventoried it,</p> <p>6 counted the items in it. Do you have any independent</p> <p>7 recollection of that?</p> <p>8 A Like I said, I would've to look at other</p> <p>9 reports that were prepared. But my recollection, I</p> <p>10 don't recall.</p> <p>11 Q Okay. I will now want to turn your attention</p> <p>12 to Exhibit 19. This is Mr. Pearson's affidavit, Bates,</p> <p>13 PL Joint 028795. Do you have that in front of you?</p> <p>14 (EXHIBIT 19 MARKED FOR IDENTIFICATION)</p> <p>15 A I do, sir.</p> <p>16 Q Okay. Okay. I would like you to please read</p> <p>17 paragraphs one through ten and let me know when you're</p> <p>18 done.</p> <p>19 A Okay, sir.</p> <p>20 Q Okay. Do you have any basis to dispute what's</p> <p>21 written in this affidavit?</p> <p>22 A Yes. Yeah. It's a completely false</p> <p>23 statement. I know he is a liar. He is a drug dealer.</p> <p>24 He ended up pleading guilty to this case. He never</p> <p>25 reported to OPS. So yes, this is if -- I was framed and</p>

<p style="text-align: right;">Page 82</p> <p>1 someone put something on me, I would report it. And I</p> <p>2 think this is a false statement and inaccurate</p> <p>3 statement.</p> <p>4 Q Okay. Do you have any independent</p> <p>5 recollection that contradicts what's written here?</p> <p>6 A Other than my reports, no.</p> <p>7 Q Great. I'm going to move on. Do you know a</p> <p>8 Gregory Warren?</p> <p>9 A Not the best of my recollection, no. No, sir.</p> <p>10 Q Okay. Would it refresh your recollection to</p> <p>11 look at an arrest report?</p> <p>12 A It might help, yes.</p> <p>13 Q Okay. I'm going to call your attention to</p> <p>14 Exhibit 22, please. That's Bates City BG 52440.</p> <p>15 (EXHIBIT 22 MARKED FOR IDENTIFICATION)</p> <p>16 A Okay. I got the arrest report, yes.</p> <p>17 Q Great. Starting with the -- do you see a</p> <p>18 photo in the upper right of that document?</p> <p>19 A I do.</p> <p>20 Q Do you recognize that person?</p> <p>21 A I don't.</p> <p>22 Q Okay. And looking at this report, is it</p> <p>23 correct that the location given is 559 East Browning</p> <p>24 Avenue?</p> <p>25 A Location arrest was 555 -- sorry. Strike</p>	<p style="text-align: right;">Page 84</p> <p>1 question, I want to take a break, five minutes.</p> <p>2 MR. HILKE: That'll be great.</p> <p>3 COURT REPORTER: Okay. We're going off the</p> <p>4 record. The time is 12:18 p.m.</p> <p>5 (OFF THE RECORD)</p> <p>6 COURT REPORTER: Okay. We're back on the</p> <p>7 record for the deposition of Douglas Nichols being</p> <p>8 conducted by video conference. Today is the 18th</p> <p>9 day of April 2022. And the time is 12:24 p.m.</p> <p>10 BY MR. HILKE:</p> <p>11 Q So Mr. Nichols, we were just talking about</p> <p>12 page three of this arrest report, which has you listed</p> <p>13 as attesting officer. And you said that just because</p> <p>14 your name doesn't mean that you wrote the report; is</p> <p>15 that correct?</p> <p>16 A It doesn't mean I didn't report it, but I know</p> <p>17 if I'm on there that this report would be accurate,</p> <p>18 lawful, and I never framed anyone before, or I seen</p> <p>19 another team member frame anyone like this.</p> <p>20 Q Okay. So, your name being there as the</p> <p>21 attesting officer, does that mean that you've reviewed</p> <p>22 the report?</p> <p>23 A Yes, it could. It means that I reviewed it.</p> <p>24 There's incidents where the attesting officer would</p> <p>25 start the headline of just the basic fill-ins and then</p>
<p style="text-align: right;">Page 83</p> <p>1 that. 559 East Browning.</p> <p>2 Q Okay. And that's a building in the Ida B.</p> <p>3 Wells homes?</p> <p>4 A That's correct.</p> <p>5 Q Okay. Let's go to the second page of this</p> <p>6 document please. And could you please review the</p> <p>7 incident narratives here?</p> <p>8 A Yes, sir.</p> <p>9 Q Okay. Do you have any independent</p> <p>10 recollection of what's written here?</p> <p>11 A I don't, sir.</p> <p>12 Q Okay. Going on to the third page, this lists</p> <p>13 you as the attesting officer; is that correct?</p> <p>14 A Yes, it does.</p> <p>15 Q Okay. And that means that you have -- would</p> <p>16 swear to the truth of what's written in your report. Is</p> <p>17 that right?</p> <p>18 A Attesting officer, that means I could have</p> <p>19 logged in and wrote the report. Someone else could. I</p> <p>20 could have left my credentials on at that time. And</p> <p>21 someone wrote the report under my credentials. There's</p> <p>22 numerous things that could have happened here. That</p> <p>23 might be the reason I'm being the attesting officer.</p> <p>24 Q Okay.</p> <p>25 MR. BAZAREK: You know, before we do another</p>	<p style="text-align: right;">Page 85</p> <p>1 another officer would type in the arrest report.</p> <p>2 Q So you're -- what you're saying is you may not</p> <p>3 have reviewed this document after it was drafted. Is</p> <p>4 that correct?</p> <p>5 A I would review -- if I was attesting officer,</p> <p>6 yes, I would review it.</p> <p>7 Q Okay. And it means that's you saying that</p> <p>8 what's in here is true. Is that correct?</p> <p>9 A The best of my knowledge, everything would be</p> <p>10 true and accurate. That's correct.</p> <p>11 Q Okay. Good. And do you have an independent</p> <p>12 recollection of anything described in this report?</p> <p>13 A Not in this report. I don't have any</p> <p>14 recollection of the arrest.</p> <p>15 Q Okay. So, I would like to turn your attention</p> <p>16 to Exhibit 24. That is PL Joint 28999. I'm just going</p> <p>17 to ask you to review the affidavit and let me know when</p> <p>18 you finished doing so.</p> <p>19 (EXHIBIT 24 MARKED FOR IDENTIFICATION)</p> <p>20 MR. BAZAREK: You got it?</p> <p>21 THE WITNESS: Yeah. Got it.</p> <p>22 MR. BAZAREK: Also, it's a two page document,</p> <p>23 correct. And the second page ends in 00?</p> <p>24 MR. HILKE: That's correct.</p> <p>25 A Yes. I just found it, sir.</p>

<p style="text-align: right;">Page 86</p> <p>1 BY MR. HILKE:</p> <p>2 Q Okay. Thank you. Could you please review the</p> <p>3 document and let me know when you're finished?</p> <p>4 A Yes, sir. Okay. sir.</p> <p>5 Q Do you have an independent recollection of the</p> <p>6 arrest of Gregory Warren?</p> <p>7 A Not an independent, no I don't.</p> <p>8 Q Okay. And so do you have an independent</p> <p>9 recollection that contradicts anything contained in his</p> <p>10 affidavit?</p> <p>11 A My independent recollection would have not</p> <p>12 been from my reports, and what his affidavit says, I</p> <p>13 don't have an independent recollection, but I know this</p> <p>14 guy's a drug dealer, he's lying, and I would never</p> <p>15 falsely arrest anyone, and I've never seen an officer,</p> <p>16 in his affidavit, put narcotics in a drawer and then</p> <p>17 recover -- getting the narcotics out of the drawer. I</p> <p>18 know that's completely false.</p> <p>19 Q Okay. Did you ever see officers eat Popeyes</p> <p>20 chicken while completing arrest paperwork?</p> <p>21 A We -- not that I recall, no.</p> <p>22 Q Okay. Great, that's all I have on Gregory</p> <p>23 Warren. Do you recall an Isaac Weekly?</p> <p>24 A No I don't, sir.</p> <p>25 Q Okay. Would it refresh your recollection to</p>	<p style="text-align: right;">Page 88</p> <p>1 place suspect narcotics into the bottom of a quote, "Big</p> <p>2 Puncture tire can," that had a false bottom. Is that</p> <p>3 correct?</p> <p>4 A Yes.</p> <p>5 Q Do you know what the Big Puncture tire can is</p> <p>6 referring to?</p> <p>7 A By looking at this report, maybe it's the name</p> <p>8 of the can, what it was called. I -- I'm not 100</p> <p>9 percent sure.</p> <p>10 Q Yeah. Okay. And do you have an independent</p> <p>11 recollection of any of the events described here?</p> <p>12 A Not in the present recollection, no sir.</p> <p>13 Q Okay. And do you -- do you recall anything</p> <p>14 about this particular arrest, beyond what's written</p> <p>15 here?</p> <p>16 A No, sir.</p> <p>17 Q Okay. And I think I'm -- I'm just going to</p> <p>18 -- and if -- once more, is it fair to say that any time</p> <p>19 you're listed as the attesting officer, that means that</p> <p>20 you would have reviewed the report and -- and that --</p> <p>21 and have confirmed its accuracy?</p> <p>22 A Yes, sir.</p> <p>23 Q Okay. Thank you. Okay. I'm going to go</p> <p>24 ahead and turn to Exhibit 28. That is the affidavit of</p> <p>25 Isaac Weekly, and that is at PL Joint 030381. And can</p>
<p style="text-align: right;">Page 87</p> <p>1 look at an arrest report?</p> <p>2 A Yes sir.</p> <p>3 Q Let's go to Exhibit 27, please. This is City</p> <p>4 BG 52493.</p> <p>5 (EXHIBIT 27 MARKED FOR IDENTIFICATION)</p> <p>6 A Yes sir.</p> <p>7 Q Okay. So starting in the upper right, do you</p> <p>8 see a photograph?</p> <p>9 A I do, sir.</p> <p>10 Q Do you recognize the person in that</p> <p>11 photograph?</p> <p>12 A I don't.</p> <p>13 Q And it says here that this is an arrest at</p> <p>14 575 East Browning Avenue; is that correct?</p> <p>15 A That's correct.</p> <p>16 Q Okay. So, I'll ask you to go to page two and</p> <p>17 look at the instant narrative. If you'd please review</p> <p>18 that and let me know when you're done.</p> <p>19 A Yes, sir.</p> <p>20 Q Okay. Do you know what a Big Puncture tire</p> <p>21 can is?</p> <p>22 A Are we referring to what's in the report, or</p> <p>23 are you asking me what a big tire puncture can is?</p> <p>24 Q Let's start with the report. This report says</p> <p>25 that AO observed the above subject on the first floor,</p>	<p style="text-align: right;">Page 89</p> <p>1 you let me know when you have that in front of you?</p> <p>2 (EXHIBIT 28 MARKED FOR IDENTIFICATION)</p> <p>3 A Yes, sir, I'm looking at it.</p> <p>4 Q Okay. Okay. Let's -- will you please go</p> <p>5 ahead and review that affidavit, it's two paragraphs,</p> <p>6 one through eight, and let me know when you're done?</p> <p>7 A Yes, sir.</p> <p>8 Q So I want to point you to paragraph two. Isaac</p> <p>9 Weekly says that on August 19, 2007, he was in the lobby</p> <p>10 with several other people when Watts, Mohammed, Al</p> <p>11 Jones, Coco, Doug, Smitty, and other members of his crew</p> <p>12 came running into the building. Do you remember -- so</p> <p>13 one, do you have any independent recollection of whether</p> <p>14 or not that happened?</p> <p>15 A I don't have any recollection, but it</p> <p>16 contradicts with what we have in our report, so I would</p> <p>17 100 percent say this is false and a false statement,</p> <p>18 because I would never done anything illegally, or make a</p> <p>19 false statement, or any false reports. Even my other</p> <p>20 officers, I've never seen them make any false reports or</p> <p>21 anything illegally that they'd have done.</p> <p>22 Q And -- okay. Now have you ever sort of -- Mr.</p> <p>23 Weekly describes you and several other officers all</p> <p>24 entering the building at the same time. Is that a way</p> <p>25 that -- did you ever enter a building in that way with,</p>

<p style="text-align: right;">Page 90</p> <p>1 you know, seven or eight officers all coming in at once?</p> <p>2 A Have we ever in our career?</p> <p>3 Q Yeah. Yeah.</p> <p>4 A I don't recall a situation but no -- I -- yes,</p> <p>5 there's other times we entered a building. I don't know</p> <p>6 if we all entered the same location at once, at the same</p> <p>7 time, or the same entrance way. I don't recall. I</p> <p>8 don't remember, but we went down to the Ida B. Wells</p> <p>9 housing complex numerous times and entered numerous</p> <p>10 occasions and different ways.</p> <p>11 Q And when you say in different ways, do you</p> <p>12 mean with different numbers of officers entering at</p> <p>13 once?</p> <p>14 A That could be fair to say, yes.</p> <p>15 Q Okay. Okay. Do you have any independent</p> <p>16 recollection of the arrest of Isaac Weekly?</p> <p>17 A Not independent recollection, no.</p> <p>18 Q Okay. Okay. I'm going to move on. Let's go</p> <p>19 ahead to -- actually I'm sorry, just quickly, I want to</p> <p>20 show you Exhibit 29. That's City BG 52506. It's two</p> <p>21 pages, it's two pages of mugshots.</p> <p>22 (EXHIBIT 29 MARKED FOR IDENTIFICATION)</p> <p>23 A Yes, sir.</p> <p>24 Q Do you see the photos on the two pages here?</p> <p>25 A I do, sir.</p>	<p style="text-align: right;">Page 92</p> <p>1 please review the instant narrative and let me know when</p> <p>2 you're done?</p> <p>3 A Okay.</p> <p>4 Q Okay. So, one, beyond what's written here, do</p> <p>5 you have any independent recollection of this arrest?</p> <p>6 A I don't.</p> <p>7 Q Okay. And based on what's written here, am I</p> <p>8 right that this says that Mr. Wise -- it says</p> <p>9 "discarded" here, I don't -- I guess -- it says that he</p> <p>10 had knotted bags he was holding in his mouth. Is that</p> <p>11 correct?</p> <p>12 A That's correct.</p> <p>13 Q And it says that there were a total of 14</p> <p>14 knotted bags, and he was holding them all in his mouth?</p> <p>15 A That's correct.</p> <p>16 Q Okay. And as far as you know, that's true and</p> <p>17 accurate?</p> <p>18 A That's correct.</p> <p>19 Q Okay. Okay. So, I'd -- let's see here. Okay.</p> <p>20 I'd like to turn your attention to Exhibit 32, please.</p> <p>21 That is a document begetting City BG 52650.</p> <p>22 (EXHIBIT 32 MARKED FOR IDENTIFICATION)</p> <p>23 A 650? Yes, sir.</p> <p>24 Q Okay. And this gives the address as 511 East</p> <p>25 Browning Avenue. Is that correct?</p>
<p style="text-align: right;">Page 91</p> <p>1 Q Do you recognize the person in these photos?</p> <p>2 A I don't, sir.</p> <p>3 Q Okay. Thank you. Let's move to Exhibit 30.</p> <p>4 Do you know a Cordero -- wait, what do I have here?</p> <p>5 There we go. Do you know a Martez Wise?</p> <p>6 (EXHIBIT 30 MARKED FOR IDENTIFICATION)</p> <p>7 A No, not to the best of my recollection, no.</p> <p>8 Q Okay. Would it refresh your recollection to</p> <p>9 look at an arrest report?</p> <p>10 A Yes, it would.</p> <p>11 Q Okay. Let's look at Exhibit 30. This is</p> <p>12 Bates City BG 52656. Do you have that in front of you?</p> <p>13 A I do, sir.</p> <p>14 Q Okay. Do you see the photo in the upper right</p> <p>15 corner?</p> <p>16 A I do.</p> <p>17 Q Do you recognize who that is?</p> <p>18 A No, not that I recall, no.</p> <p>19 Q Okay. And then this is an arrest at</p> <p>20 3823 South Vernon Avenue; is that correct?</p> <p>21 A 3823 South Vernon, that's correct.</p> <p>22 Q And is that an address in the Ida B. Wells</p> <p>23 homes?</p> <p>24 A Yes, it is.</p> <p>25 Q Okay. Let's go down to page two. Would you</p>	<p style="text-align: right;">Page 93</p> <p>1 MR. BAZAREK: I'm going to object. That's --</p> <p>2 what you just said is not what I'm looking at in the</p> <p>3 report.</p> <p>4 MR. HILKE: I'm sorry, you're looking at</p> <p>5 Exhibit 32?</p> <p>6 MR. BAZAREK: Yeah, it's City BG 052650?</p> <p>7 MR. HILKE: 052 -- that's correct. And so, I'm</p> <p>8 looking at the top box incident, where is says</p> <p>9 "Occurrence, 511 East Browning Avenue." Is that</p> <p>10 what you're seeing?</p> <p>11 MR. BAZAREK: Yeah, I'm sorry, I thought you</p> <p>12 said 501. Maybe I'm --</p> <p>13 MR. HILKE: No, I'm sorry, 511.</p> <p>14 MR. BAZAREK: Okay.</p> <p>15 BY MR. HILKE:</p> <p>16 Q Okay. Detective Nichols, is -- does this</p> <p>17 report say that the arrest occurred at 511 East Browning</p> <p>18 Avenue?</p> <p>19 A On this document, yes it does.</p> <p>20 Q Okay. And is that at the Ida B. Wells homes?</p> <p>21 A It is.</p> <p>22 Q Okay. And then at the bottom of one, it lists</p> <p>23 you as a witness. Is that correct?</p> <p>24 A On -- yes, it does.</p> <p>25 Q Okay. And on page two, it lists two suspects,</p>

<p style="text-align: right;">Page 94</p> <p>1 first a Deon Willis, and then a Martez Wise. Is that 2 correct? 3 A That's correct. 4 Q Okay. And then there is a narrative 5 description of this at the bottom of page three; is that 6 correct? 7 A That's correct. 8 Q Okay. And would you go ahead and review that 9 please, the narrative section at the bottom, and let me 10 know when you're done? 11 A Yes, sir. Yes, sir. 12 Q Okay. Can you tell from this narrative -- if 13 there are references to officer number one and officer 14 number two, can you tell who those are? 15 A Could you repeat that question, sir? 16 Q Sure. In that narrative I see, you know, 17 "Off. Number one, Off Number two," described. Can you 18 tell who those are? 19 A That's -- I would recollect off. One would be 20 Deon Lewis, Off two would be Martez Wise. 21 Q Oh that's funny, of course, because it's 22 offender, not officer. Is that right? 23 A That's correct. 24 Q Oh, okay then. So, it also lists the R/O. Can 25 you tell from this report who the R/Os are?</p>	<p style="text-align: right;">Page 96</p> <p>1 Q Was there an officer working at Ida B. Wells, 2 known by the nickname of Doug? 3 A I don't -- I don't know. My name's Doug, I 4 don't know -- my name's Doug, so -- 5 Q Did any of the residents there ever call you 6 Doug? 7 A Sure, they called me by my first names a 8 couple times, yes. 9 Q Okay. What about the nickname China Man? Does 10 that mean anything to you? 11 A I heard the name China Man before, yes. 12 Q And who did that refer to? 13 A My partner at the time, Officer Leano. 14 Q Okay. Thank you. Looking at paragraph eight 15 of Wise's affidavit, he says that on the arrest on 16 August 7, 2008, that several officers were present, 17 including -- he says Officer Watts, Jones, Mohammed, 18 Nichols, Gonzalez, quote, "Doug," quote, "China Man." Do 19 you have any reason to believe that all of those 20 officers were not present at his arrest? 21 A I don't recall the arrest, but I would have to 22 view other documents to see who was there at their 23 arrest. 24 Q Okay. I'm going to ask you to turn back to 25 Exhibit 32, please, to City BG 52650.</p>
<p style="text-align: right;">Page 95</p> <p>1 A Looking at this report, I would assume Officer 2 Jones and myself. 3 Q Okay. And do you recall -- it says here that 4 R/O had offender number two -- I'm sorry. It says that 5 "R/O then conducted a protective pat down of offender 6 number two and felt a large bulge in his left front 7 pants pocket, similar to that of narcotics." Do you 8 recall whether it was you or Officer Jones who conducted 9 the pat down? 10 A I don't. 11 Q And is there any way to tell, looking at this 12 report? 13 A By looking at this report, no it does not. 14 Q Okay. And do you have any independent 15 recollection of this arrest? 16 A Of this arrest, no. 17 Q Okay. So, I'm going to turn now to 18 Exhibit 33, the affidavit of Martez Wise. That's at 19 PL Joint 051060. 20 (EXHIBIT 33 MARKED FOR IDENTIFICATION) 21 A Okay. 22 Q Okay. It's two pages, paragraphs one through 23 14. Could I ask you to please review the report and the 24 affidavit, and tell me when you're done? 25 A Yes, sir. Okay, sir.</p>	<p style="text-align: right;">Page 97</p> <p>1 A Yes, sir. 2 Q And I'll ask if that refreshes your 3 recollection. Take as long as you need with it. 4 A Yes, sir. 5 Q Okay. So, having reviewed that, do you have 6 any reason to believe that Watts, Jones, Mohammed, 7 Nichols, Gonzalez, and China Man, and others were not 8 present? 9 A Not to the best of my knowledge, yes they were 10 -- looking at the report and looking at this, yes, they 11 were probably all there, yes. 12 Q Okay. Thank you. And do you have any 13 independent recollection of the -- of this arrest, that 14 would contradict what's written in the affidavit? 15 A Could you repeat that question? 16 Q Yeah, do you have any -- any independent 17 recollection of Mr. Wise's arrest that would contradict 18 what he wrote in his affidavit? 19 A Yes, by looking at my reports, I would never 20 falsely arrest anyone, and it's truthful what I wrote 21 down on the reports, and I know this -- this is a false 22 statement because I never seen a team member falsely 23 arrest anyone and do anything that wasn't truthful. And 24 then he -- then he pled guilty to this case, and never 25 filed an OPS statement.</p>

<p style="text-align: right;">Page 98</p> <p>1 Q And so you've -- let me ask this. You've 2 reviewed what you've written, and you don't remember 3 something like this happening, right? You don't 4 remember it happening the way Mr. Wise said it happened? 5 A By looking at my reports, I would say that was 6 a false statement in his affidavit, that's correct. 7 Q But are you basing that in any ways on a 8 actual memory you have of the arrest? 9 A I don't have any actual memory of the arrest 10 but looking at my arrest reports and my case reports, I 11 know this is a false statement. 12 Q Okay. I'm going to change to someone else. 13 Do you remember a Codero Payne? 14 A I don't remember, no. 15 Q Okay. Would it refresh your recollection to 16 look at an arrest report? 17 A Yes. 18 Q Okay. I'm going to point you to Exhibit 35. 19 This is a document beginning DO Joint 28850. 20 (EXHIBIT 35 MARKED FOR IDENTIFICATION) 21 A Yes, sir. 22 Q Okay. Do you see the photo in the upper 23 right-hand corner of that document? 24 A I do. 25 Q Do you recognize the person in that photo?</p>	<p style="text-align: right;">Page 100</p> <p>1 037089. It's a vice case report. Can you let me know 2 when you have it? 3 (EXHIBIT 36 MARKED FOR IDENTIFICATION) 4 A Gotcha. I'm looking at it right now, sir. 5 Q Okay. Got it. And on this one, do you see 6 your name listed in the upper left corner? 7 A Yes, I do see my name, yes, sir. 8 Q Okay. And this is also a report of an arrest 9 occurring on December 1, 2005. Is that correct? 10 A That is correct. 11 Q Okay. Is there any reason why an officer 12 would be listed in the vice case report, but not in an 13 arrest report? 14 A There could be numerous reasons. Maybe they 15 got knocked off on accident. I don't know why this 16 particular reason I was left off the arrest report, or 17 why I was not added onto the arrest report. I don't 18 know. 19 Q Understood. Well can you take just a minute 20 and review the narrative section at the bottom of page 21 one, and continuing onto the second page, and let me 22 know when you're done? 23 A Yes, sir. Yes, sir. 24 Q Okay. And do you have any independent 25 recollection of any of the events described in the</p>
<p style="text-align: right;">Page 99</p> <p>1 A I don't. 2 Q Okay. And do you have an independent 3 recollection of an arrest of Codero Payne in December of 4 2005? 5 A I don't. 6 Q Okay. So, looking at this document, on the 7 first page it describes an arrest at 575 East Browning 8 Avenue. Is that correct? 9 A That is correct. 10 Q Okay. I'm going to ask you to go to the 11 second page, to the incident narrative specifically. 12 Could you go ahead and review that incident narrative, 13 and let me know when you're done? 14 A Yes, sir. 15 Q Okay. Do you have any independent 16 recollection of this arrest, having reviewed the 17 incident narrative? 18 A I don't. 19 Q Okay. One second, please. Okay. And am I 20 correct, I'm going to look over the document, are you in 21 fact listed anywhere as -- on this arrest report as 22 involved in this arrest? 23 A I don't see my name, I do not. 24 Q Thank you. I'm going to turn your attention 25 now to Exhibit number 36. That's going to be PL Joint</p>	<p style="text-align: right;">Page 101</p> <p>1 narrative section? 2 A I don't, sir. 3 Q Okay. I'm going to point you now to 4 Exhibit 37, please. It's an affidavit of Codero Payne, 5 PL Joint 28862. Do you have that in front of you? 6 (EXHIBIT 37 MARKED FOR IDENTIFICATION) 7 A I do, sir. 8 Q Okay. Would you please go ahead and review 9 the affidavit? It's two pages, paragraphs one to ten. 10 And let me know when you're done. 11 A Yes, sir. Yes, sir. 12 Q Okay. So, Mr. Payne describes multiple 13 officers being involved in his arrest. Do you have any 14 recollection of whether or not you were involved in 15 arresting him? 16 A Like I said before, I don't remember the 17 arrest. 18 Q Okay. And so then do you have any independent 19 recollection contradicting what's in this affidavit? 20 A Yes, I would say, yes. I would say this is 21 completely false because he's a known drug dealer and I 22 would not -- I would stand by the reports that were 23 written that are truthful and accurate. 24 Q And may I ask, as you answered that question, 25 were you looking at a document?</p>

<p style="text-align: right;">Page 102</p> <p>1 A I looked at the case report, sir.</p> <p>2 Q At the case report. Okay. And so, you don't</p> <p>3 have -- do you have any notes, anything handwritten,</p> <p>4 anything in front of you, other than the exhibits?</p> <p>5 A The exhibits, the computer screen, my waters,</p> <p>6 and that's it, sir.</p> <p>7 Q Okay. Thank you. That's all I have on</p> <p>8 Mr. Payne. I'm going to ask you about someone else now.</p> <p>9 Do you know a Kim Wilbourn?</p> <p>10 A Not to the best of my knowledge, no, I don't.</p> <p>11 The name does not ring a bell, no.</p> <p>12 Q Okay. Would it refresh to look at an arrest</p> <p>13 report?</p> <p>14 A It could help.</p> <p>15 Q Okay. Let's look at Exhibit 38, please. This</p> <p>16 is going to be PL Joint 28887. Do you have that in</p> <p>17 front of you?</p> <p>18 (EXHIBIT 38 MARKED FOR IDENTIFICATION)</p> <p>19 A Yes, I do, sir.</p> <p>20 Q Great. So, do you see a photo in the upper</p> <p>21 right of that arrest report?</p> <p>22 A I do.</p> <p>23 Q Do you recognize the person in that photo?</p> <p>24 A No, not in this photo, no.</p> <p>25 Q Okay. And it says here that -- looking at the</p>	<p style="text-align: right;">Page 104</p> <p>1 Exhibit 40, please. That is the affidavit of Kim</p> <p>2 Wilbourn at PL Joint 28878.</p> <p>3 (EXHIBIT 40 MARKED FOR IDENTIFICATION)</p> <p>4 A Last three is 878, sir?</p> <p>5 Q Yes, last digits, 878. Okay. And can I ask</p> <p>6 you to please review this affidavit? It's two pages,</p> <p>7 paragraphs one through ten. And let me know when you're</p> <p>8 done.</p> <p>9 A Yes, sir. Okay, sir.</p> <p>10 Q Sure. So, Mr. Wilburn says that Watts and an</p> <p>11 officer he didn't know conducted -- you know, confronted</p> <p>12 him, and handcuffed him. Have you ever conducted an</p> <p>13 arrest where it was just the only officers present were</p> <p>14 you and Sergeant Watts?</p> <p>15 A I don't recall. I don't know. I don't</p> <p>16 recall.</p> <p>17 Q Were -- have you ever been on -- I don't know</p> <p>18 if you'd call it being on patrol or something else, but</p> <p>19 have you ever been in the field, paired up with Sergeant</p> <p>20 Watts?</p> <p>21 A I don't recall. I don't believe so. I don't</p> <p>22 recall though. I don't know.</p> <p>23 Q Have you ever seen Sergeant Watts strike</p> <p>24 someone with his gun?</p> <p>25 A No, sir.</p>
<p style="text-align: right;">Page 103</p> <p>1 incident, that this was an arrest at 559 East Browning</p> <p>2 Avenue. Is that correct?</p> <p>3 A That is correct.</p> <p>4 Q Okay. And I'm going to ask you to go to the</p> <p>5 second page, please, and could you go ahead and review</p> <p>6 the incident narrative and let me know when you're done?</p> <p>7 A Yes, sir.</p> <p>8 Q Do you remember seeing Mr. Wilburn in the</p> <p>9 hallway?</p> <p>10 A I don't have any recollection of this arrest.</p> <p>11 Q Okay. So, you don't remember the manner in</p> <p>12 which he was holding a clear, plastic bag?</p> <p>13 A I couldn't tell you how he was holding the</p> <p>14 clear, plastic bag.</p> <p>15 Q Okay. So, you --</p> <p>16 A Otherwise -- other than seeing the suspect</p> <p>17 narcotics inside the bag.</p> <p>18 Q Okay. And when you say that now, is that what</p> <p>19 you read in the report or is that an independent memory?</p> <p>20 A What I read in the report.</p> <p>21 Q Okay. And you don't have any independent</p> <p>22 recollection of this arrest. Is that right?</p> <p>23 A That is correct.</p> <p>24 Q Okay. Okay. I'm actually going to point you</p> <p>25 to -- actually, we'll do this in order. Let's go to</p>	<p style="text-align: right;">Page 105</p> <p>1 Q Okay. And do you have any -- turning back to</p> <p>2 the affidavit, do you have any independent recollection</p> <p>3 contradicting what's written in the affidavit here?</p> <p>4 A Not my recollection, but looking at the</p> <p>5 reports, I prepared this arrest report and I know that I</p> <p>6 would stand by my arrest report that it's truthful and</p> <p>7 it's a lawful arrest. And I know this guy is lying</p> <p>8 because he is a known drug dealer, and a drug dealer in</p> <p>9 the Ida B. Wells.</p> <p>10 Q So when you say that Mr. Wilbourn was a known</p> <p>11 drug dealer, what are you basing that on?</p> <p>12 A On the report that I'd written that I arrested</p> <p>13 him for drugs, that he's a drug dealer.</p> <p>14 Q Understood. So, you're basing that only on</p> <p>15 the fact that it's written in your report, that he was</p> <p>16 arrested with drugs?</p> <p>17 A To the best of my knowledge, yes. And he is a</p> <p>18 known drug dealer and he pled guilty to this case too.</p> <p>19 Q Okay. And again, when you say, "Known drug</p> <p>20 dealer," are you basing that on anything other than him</p> <p>21 being arrested with drugs?</p> <p>22 A I report that he is a known drug dealer.</p> <p>23 That's correct.</p> <p>24 Q Okay. I now want to point you to Exhibit 41.</p> <p>25 That is DO Joint 30335. This is a three-page document</p>

<p style="text-align: right;">Page 106</p> <p>1 with photographs. Do you have that in front of you?</p> <p>2 (EXHIBIT 41 MARKED FOR IDENTIFICATION)</p> <p>3 A Yes, sir.</p> <p>4 Q Okay. Could you please review the photos on</p> <p>5 these three pages and let me know when you've done so?</p> <p>6 A Yes, sir.</p> <p>7 Q Do you recognize the person in these</p> <p>8 photographs?</p> <p>9 A I don't.</p> <p>10 Q Okay. Thank you. Do you know a David</p> <p>11 Mayberry?</p> <p>12 A The name does not ring a bell, no.</p> <p>13 Q Okay. I -- would it refresh your recollection</p> <p>14 to see an arrest report?</p> <p>15 A It could, yes.</p> <p>16 Q Okay. If you would please turn to Exhibit 42?</p> <p>17 This is DO Joint 006254.</p> <p>18 (EXHIBIT 42 MARKED FOR IDENTIFICATION)</p> <p>19 A Yes, sir.</p> <p>20 Q Okay. Do you see a photograph in the upper</p> <p>21 right corner?</p> <p>22 A I do.</p> <p>23 Q Do you recognize the person in that</p> <p>24 photograph?</p> <p>25 A I don't.</p>	<p style="text-align: right;">Page 108</p> <p>1 arrest, and there's a call already that was already</p> <p>2 placed.</p> <p>3 Q Got it.</p> <p>4 A Every circumstance is different.</p> <p>5 Q Sure. So, it says here that responding</p> <p>6 officers observed Mr. Mayberry give another offender</p> <p>7 paper USC in exchange for suspect narcotics, and that he</p> <p>8 was detained and two Ziploc baggies with suspect crack</p> <p>9 cocaine were recovered. So, does that mean that Mr.</p> <p>10 Mayberry was arrested for buying drugs, according to</p> <p>11 this report?</p> <p>12 A To the best of my knowledge, yes.</p> <p>13 Q Okay. And when you were at the Ida B. Wells</p> <p>14 homes, did you try to arrest drug deal -- or was</p> <p>15 arresting people who bought drugs part of your</p> <p>16 responsibilities at the Ida B. Wells homes?</p> <p>17 A Anyone that was doing anything illegally was</p> <p>18 our responsibility for making an arrest. It doesn't</p> <p>19 matter if they're buying drugs, selling drugs, doing</p> <p>20 whatever. If they're doing something illegal, yes, we</p> <p>21 have to enforce the law and make the arrest.</p> <p>22 Q How long did you work at the Ida B. Wells</p> <p>23 homes?</p> <p>24 A I got -- when I first got on the tactical -- I</p> <p>25 went to the Second District, I think, in July of '04, if</p>
<p style="text-align: right;">Page 107</p> <p>1 Q Okay. And it says here that the arrest took</p> <p>2 place at 575 East Browning Avenue. Is that correct?</p> <p>3 A That is correct.</p> <p>4 Q Okay. And if you could go to the second page,</p> <p>5 to the incident narrative, could you please review the</p> <p>6 incident narrative and let me know when you're done?</p> <p>7 A Yes, sir.</p> <p>8 Q Okay. Having reviewed that, do you have any</p> <p>9 independent recollection of this arrest?</p> <p>10 A I don't.</p> <p>11 Q Okay. I believe it says here that this was an</p> <p>12 on -- sorry, let me -- here we go. This says that this</p> <p>13 was an on-view arrest. What's an on-view arrest?</p> <p>14 A On-view arrest is when you witness it.</p> <p>15 Q Okay. Does that mean that -- if it's an on-</p> <p>16 view arrest, does that mean that it wasn't called in?</p> <p>17 A What do you mean?</p> <p>18 Q I mean, if it's an on-view arrest, does that</p> <p>19 mean that you weren't responding to a call?</p> <p>20 A Are you asking in this case or on a different</p> <p>21 case or a different --</p> <p>22 Q I'm asking in general, as you understand the</p> <p>23 term on-view arrest?</p> <p>24 A Well, there could be certain -- you could, in</p> <p>25 certain circumstances there -- it could be an on-view</p>	<p style="text-align: right;">Page 109</p> <p>1 I'm not mistaken. I could be wrong. Got assigned to</p> <p>2 the tactical team in November of '04 and was assigned to</p> <p>3 the 264 Housing tactical team, which it concludes of the</p> <p>4 Ida B. Wells and other scattered housing complex. And</p> <p>5 then I left. Then I got -- then I went back to the</p> <p>6 watch for a minute and then I was working patrol. And</p> <p>7 then I went back on the tactical team all the way up</p> <p>8 until I got promoted.</p> <p>9 Q Okay. And did you see a lot of drug</p> <p>10 transactions during your time working at the Ida B.</p> <p>11 Wells homes?</p> <p>12 A I don't know how many would -- I don't know. I</p> <p>13 don't recall.</p> <p>14 Q Okay. Did you see people buying drugs more</p> <p>15 than 50 times during your years there?</p> <p>16 A I wouldn't guess. I don't know.</p> <p>17 Q You're not sure?</p> <p>18 A I'm not sure.</p> <p>19 Q Okay. And so, you have no idea whether it was</p> <p>20 ten times. Let me ask, did you see it more than ten</p> <p>21 times?</p> <p>22 A I don't know how many times I observed</p> <p>23 hand-to-hand transactions. I couldn't -- I don't know</p> <p>24 how many.</p> <p>25 Q So you -- so do you know if you saw it more</p>

<p style="text-align: right;">Page 110</p> <p>1 than once a year?</p> <p>2 A Like I said, sir, I don't recall. I don't</p> <p>3 know how many times.</p> <p>4 Q And so you don't even have a -- do you have an</p> <p>5 order of magnitude, whether it was more like a dozen or</p> <p>6 more like a thousand?</p> <p>7 A Like I stated before, I don't know how many</p> <p>8 times.</p> <p>9 Q Okay. Did you ever see someone engaged in a</p> <p>10 hand-to-hand drug buy and decide that you weren't going</p> <p>11 to arrest the buyer?</p> <p>12 A No. No. I would never let one go that -- if</p> <p>13 he was doing something illegal, I would arrest them</p> <p>14 both.</p> <p>15 Q So you would always arrest someone who you saw</p> <p>16 buying drugs. And the person -- I'm sorry.</p> <p>17 A Could I rephrase what you just answered? I</p> <p>18 would try to arrest them both. If one got away, one got</p> <p>19 away if they fled on foot. Or if one fled and I was</p> <p>20 chasing one and I didn't arrest the other, then there</p> <p>21 might be a possibility that I didn't arrest both.</p> <p>22 Q Understood. But if you saw someone and you</p> <p>23 thought they were buying drugs, you would always try to</p> <p>24 arrest them.</p> <p>25 A Yes, if anyone's doing anything illegal, I</p>	<p style="text-align: right;">Page 112</p> <p>1 report, sir?</p> <p>2 Q Yes, sir, you're welcome to.</p> <p>3 A By looking at the report, I would say Officer</p> <p>4 Jones and Officer Smith.</p> <p>5 Q Okay. And why would you say them?</p> <p>6 A Because they're the one who prepared the</p> <p>7 report and B264 Adam was Officer Jones and Officer</p> <p>8 Smith.</p> <p>9 Q Great. And is that -- aside from what you</p> <p>10 read in the report, do you have any independent</p> <p>11 recollection?</p> <p>12 A No, I don't.</p> <p>13 Q Okay. And do you have any independent</p> <p>14 recollection to contradict what David Mayberry wrote in</p> <p>15 his affidavit?</p> <p>16 A Other than looking at the reports, I would say</p> <p>17 it's completely a lie. I never saw anyone put any</p> <p>18 narcotics on anyone or frame anyone or stole their</p> <p>19 money, like he's stating, and I never witnessed that.</p> <p>20 Q Okay. Is it correct to say that you don't</p> <p>21 have an independent memory of it occurring any specific</p> <p>22 way? And by it, I mean the arrest of David Mayberry.</p> <p>23 A Other than the reports, no.</p> <p>24 Q Okay. I'm going to move on. Do you know a</p> <p>25 Jajuan Nile?</p>
<p style="text-align: right;">Page 111</p> <p>1 would try to arrest them both. Yes.</p> <p>2 Q So I'm going to turn your attention to</p> <p>3 Exhibit 43. This is a document. This is a vice case</p> <p>4 report, COPA Watts 45457. And my only question for you</p> <p>5 is if your name is listed among the officers in box</p> <p>6 number 18?</p> <p>7 (EXHIBIT 43 MARKED FOR IDENTIFICATION)</p> <p>8 A Where's box 18, sir?</p> <p>9 Q It's in the upper left side, on the upper left</p> <p>10 of the vice case --</p> <p>11 A Yes, sir. Yes, sir, I see my name. Yep.</p> <p>12 Q Okay. Great. And your name being there, does</p> <p>13 that mean that you were involved in some way in this</p> <p>14 arrest?</p> <p>15 A Yes, it means that I did something during this</p> <p>16 arrest. It does, yes.</p> <p>17 Q Okay. I want to turn you now to Exhibit 44.</p> <p>18 That's the affidavit of David Mayberry, PL Joint 42805.</p> <p>19 And this is just seven paragraphs, and I'm going to ask</p> <p>20 that you review them and let me know when you're done.</p> <p>21 (EXHIBIT 44 MARKED FOR IDENTIFICATION)</p> <p>22 A Yes, sir.</p> <p>23 Q Do you have any recollection of who are the</p> <p>24 officers who detained Mr. Mayberry?</p> <p>25 A Can I refer back to the report or the case</p>	<p style="text-align: right;">Page 113</p> <p>1 A No, sir, it does not ring a bell.</p> <p>2 Q Okay. Would it refresh your recollection to</p> <p>3 see an arrest report?</p> <p>4 A It could, yes.</p> <p>5 Q Okay. I'm going to ask you to look at Exhibit</p> <p>6 46 and that is at PL Joint 38686.</p> <p>7 (EXHIBIT 46 MARKED FOR IDENTIFICATION)</p> <p>8 A Yes, sir.</p> <p>9 Q Okay. I'm not going to ask you about the</p> <p>10 photo because there isn't one, but I -- so I'm going to</p> <p>11 start with the location. Does this report refer to an</p> <p>12 arrest that occurred at 574 East 36th Street?</p> <p>13 A Yes, it looks that way. My eyes are getting</p> <p>14 bad. Looks like 574 East 36th Street.</p> <p>15 Q Okay. And do you have any independent</p> <p>16 recollection of an arrest of Jajuan Nile?</p> <p>17 A With him, no. With recognizing Jajuan Nile,</p> <p>18 with his involvement, no, I do not have any recollection</p> <p>19 of Jajuan Nile's arrest, with him.</p> <p>20 Q Great. Yep. Can we go to the second page,</p> <p>21 please? And would you go down and look at the -- I</p> <p>22 think it's the second from the bottom box on the second</p> <p>23 page. There's a narrative description there. Do you</p> <p>24 see that?</p> <p>25 A I do.</p>

<p style="text-align: right;">Page 114</p> <p>1 Q Would you go ahead and review that, please, 2 and tell me when you're done? 3 A Yes, sir. Yes, sir. 4 Q Okay. So, it says here that the AO observed 5 the above subject trying to place a clear, plastic bag 6 with suspect narcotics underneath a vacant apartment 7 door number 207, and that the AO recovered the bag. Do 8 you recall whether Mr. Niles [sic] actually succeeded in 9 placing that bag under the apartment door? 10 A I don't recall. By reading this report with 11 the arrest report, I couldn't tell you. I couldn't tell 12 you. I don't know. 13 Q Okay. 14 A Just by looking at this document alone, I 15 couldn't tell you. 16 Q Okay. And it says that it was a vacant 17 apartment door. Do you know whether that door would've 18 been locked or unlocked, if it's to a vacant apartment? 19 A I couldn't tell you if it was locked or not. I 20 don't know by looking at this arrest report. 21 Q Do you have an impression of whether vacant 22 apartment doors were typically locked or unlocked? 23 A To the best of my knowledge, they tried to -- 24 when it was a vacant apartment, they always tried to 25 have it locked.</p>	<p style="text-align: right;">Page 116</p> <p>1 me know when you're done? 2 A Yes, sir. Yes, sir. 3 Q Okay. Do you have any independent 4 recollection that would contradict the statements in 5 this affidavit? 6 A Other than looking at my reports of the arrest 7 report and the case report, I believe this is a false 8 statement and it's 100 percent false because I never 9 once did any -- locked anyone up illegally. Never 10 planted any drugs on anyone. Never did anything like 11 that. So, it is a false statement. 12 Q Okay. And is that based on like an actual 13 memory that you have of something that -- is that based 14 on an actual memory that you have? 15 A Yes, I could say that would be an actual 16 memory of this, because I know for a fact that I never 17 once planted drugs on anyone or arrested them 18 unlawfully. And when I wrote reports, it was always 19 truthful. 20 Q Do you have any actual memories of what 21 occurred when Jajuan Nile was arrested? 22 A No, I don't have anything that I recollect 23 when Jajuan Nile -- except when Sandra Cartwright went 24 out the second story window. 25 Q And do you know who Vanessa King is?</p>
<p style="text-align: right;">Page 115</p> <p>1 Q Okay. And do you have any independent 2 recollection of this arrest? 3 A Of this arrest? I just remember, like I said, 4 another co-arrestee going out of the window on a second- 5 story window. 6 Q Okay. And beyond that, that's the limit of 7 your independent recollection? 8 A That's correct. 9 Q Okay. Okay. And can I have you look at 10 Exhibit 47, please? That's going to be PL Joint 11 038691. 12 (EXHIBIT 47 MARKED FOR IDENTIFICATION) 13 A Where's that, sir? I'm sorry. 14 Q Yes, this is -- oh, you know what, go ahead 15 and strike that. I already asked you about this because 16 it has Mr. Pearson on them as well. So, feel free to 17 ignore what I just said. I think instead I'd like you 18 to look at Exhibit 48. That's the exhibit of Jajuan 19 Nile, and that's at PL Joint 38684. 20 (EXHIBIT 48 MARKED FOR IDENTIFICATION) 21 MR. BAZAREK: Two-page affidavit? 22 MR. HILKE: Two page affidavit. Thank you. 23 A Yes, I got the affidavit in front of me, sir. 24 Q Okay. And could you go ahead and review 25 paragraphs one to 10 of that affidavit, please, and let</p>	<p style="text-align: right;">Page 117</p> <p>1 A Vanessa King? No, I don't. 2 Q Okay. I think that may be a good time to stop 3 for lunch. I see we're at 1:30 here and we're just 4 finishing this one. How long do you guys want for 5 lunch? 6 MR. BAZAREK: Why don't we come back at -- 7 well, we can talk as a group. I would say we need 8 at least a half hour. You know, we can do 9 30 minutes or 40 minutes. 10 MS. DOI: 30's good. 11 MR. BAZAREK: Good for me. 12 MR. HILKE: Okay. so back at -- 13 MS. MCGRATH: We can come back at 2:00. 14 MR. HILKE: Yeah. 15 MR. BAZAREK: Okay. 16 COURT REPORTER: Okay. we're going off the 17 record. The time is 1:31 p.m. 18 (OFF THE RECORD) 19 COURT REPORTER: Okay. We are back on the 20 record for the deposition of Douglas Nichols, being 21 conducted by video conference. My name is Jesse 22 Harp. Today is the 18th day of April 2022, and the 23 current time is 2:05 p.m. 24 BY MR. HILKE: 25 Q Okay. Detective Nichols, do you know a</p>

<p style="text-align: right;">Page 118</p> <p>1 Anthony Mays?</p> <p>2 A The name sounds familiar, but that's about it.</p> <p>3 Q Okay. Do you know anyone with the nickname of</p> <p>4 Par K?</p> <p>5 A Par K?</p> <p>6 Q Uh-huh.</p> <p>7 A No, I don't.</p> <p>8 Q Okay. What about an Ant Dog?</p> <p>9 A No, not that I -- no.</p> <p>10 Q Or a Jelly Belly?</p> <p>11 A Jelly Belly? No.</p> <p>12 Q Okay. Would it refresh your memory to look at</p> <p>13 an arrest report?</p> <p>14 A It would help, yes.</p> <p>15 Q Okay. Let's go ahead and look at Exhibit 50,</p> <p>16 please. This is a document PL Joint 030367. Do you</p> <p>17 have that in front of you?</p> <p>18 (EXHIBIT 50 MARKED FOR IDENTIFICATION)</p> <p>19 A I do, sir.</p> <p>20 Q It said -- it says here that the arrest</p> <p>21 occurred at 559 East Browning Avenue; is that correct?</p> <p>22 A That is correct.</p> <p>23 Q Okay. And going to the second page of this</p> <p>24 document, can you look down at the instant narrative and</p> <p>25 review it and let me know when you're done.</p>	<p style="text-align: right;">Page 120</p> <p>1 Q Great. And are you listed as one of the</p> <p>2 officers involved in this arrest?</p> <p>3 A I am, sir.</p> <p>4 Q Okay. And -- okay. And can you tell from</p> <p>5 this report what your involvement was in this arrest?</p> <p>6 A Could you give me a time for reading that</p> <p>7 narrative?</p> <p>8 Q Of course, sir.</p> <p>9 A Thank you. Okay.</p> <p>10 Q Okay. Can you tell from this report what your</p> <p>11 involvement in the arrest was?</p> <p>12 A Looking at this report I don't know what my</p> <p>13 involvement was. Maybe other documents would help me</p> <p>14 recollect my memory, but I don't know by looking at this</p> <p>15 report.</p> <p>16 Q Understood. And do you have any independent</p> <p>17 recollection of being involved in this arrest?</p> <p>18 A I don't.</p> <p>19 Q Okay. I'm going to ask you to look at</p> <p>20 Exhibit 52, that is the affidavit of Anthony Mays,</p> <p>21 PL Joint 30351. It's a three page document.</p> <p>22 (EXHIBIT 52 MARKED FOR IDENTIFICATION)</p> <p>23 A Yes, sir.</p> <p>24 Q And could you please read paragraphs 16 to 18,</p> <p>25 that's going to be on the second and third pages and let</p>
<p style="text-align: right;">Page 119</p> <p>1 A Okay.</p> <p>2 Q Now, can you tell from this report where</p> <p>3 within 559 East Browning Avenue the arrest took place?</p> <p>4 A Looks like the garbage chute area.</p> <p>5 Q Okay. And was the garbage chute area, was</p> <p>6 that just one specific location within the building?</p> <p>7 A No, they had separate garbage chute areas.</p> <p>8 Q Was there one on every floor?</p> <p>9 A Not a hundred percent if there was one in the</p> <p>10 lobby or not. I'm not -- I'm not mistaken, but yes.</p> <p>11 Q Okay. We -- except for the lot, there was one</p> <p>12 on each of the floors except maybe the lobby; is that</p> <p>13 fair?</p> <p>14 A I -- I don't know if it was one on the first</p> <p>15 floor or not, or the lobby area.</p> <p>16 Q Okay. But there was one on all the upper</p> <p>17 floors. Is that correct?</p> <p>18 A The best of my knowledge, yes.</p> <p>19 Q Okay. And do you have any independent</p> <p>20 recollection of this arrest?</p> <p>21 A I don't.</p> <p>22 Q Okay. I now want to turn your attention</p> <p>23 please to Exhibit 51. That's PL Joint 30372.</p> <p>24 (EXHIBIT 51 MARKED FOR IDENTIFICATION)</p> <p>25 A 372, got it. Yes, sir.</p>	<p style="text-align: right;">Page 121</p> <p>1 me know when you've finished reading pages 16 through --</p> <p>2 I'm sorry. Paragraphs 16 through 18.</p> <p>3 A Yes, sir.</p> <p>4 Q Okay. Do you have any independent</p> <p>5 recollection that contradicts what's written in</p> <p>6 paragraph 16 through 18?</p> <p>7 A Yes by looking at the arrest report and the</p> <p>8 vice case report, I would say this is false. I know</p> <p>9 this is false because at no time did I arrest anyone</p> <p>10 without legal justification, or I seen another officer</p> <p>11 do that either. And I would stand by this report and</p> <p>12 the -- when the officer wrote this, I would stand by</p> <p>13 that also.</p> <p>14 Q Okay. Okay. do you have any -- any -- any</p> <p>15 memory of how this arrest occurred?</p> <p>16 A No, sir.</p> <p>17 Q Okay. So, does this -- does your memory alone</p> <p>18 contradict in any way what you read in paragraph 16</p> <p>19 through 18?</p> <p>20 A Just what I read in the vice case report and</p> <p>21 the arrest report, it contradicts this, and I would a</p> <p>22 hundred percent say would contradict this.</p> <p>23 Q Okay. But what about your memory?</p> <p>24 A No, I don't have any recollection or about</p> <p>25 this memory. No.</p>

<p style="text-align: right;">Page 122</p> <p>1 Q Thank you. I'm going to ask you to look at 2 Exhibit 53. This is DO Joint 30353. It's the first of 3 a criminal history report. Do you have that in front of 4 you? 5 (EXHIBIT 53 MARKED FOR IDENTIFICATION) 6 A Hold on. What was that sir? I'm sorry. 7 Q I'm sorry. That is Exhibit 53. And the Bates 8 is DO Joint 030353. 9 THE WITNESS: Okay. Bill, could you -- 10 MR. BAZAREK: Yeah, I'm sorry, give me the 11 number again. 12 MR. HILKE: It's Exhibit 53 and DO Joint 30353. 13 MR. BAZAREK: Okay. It's -- 14 MR. HILKE: The -- 15 MR. BAZAREK: It's the first page of a rap -- 16 rap sheet for Anthony Mays. 17 MR. HILKE: Correct. 18 THE WITNESS: Yes. Yes, I have it. Yes, sir. 19 BY MR. HILKE: 20 Q Great. Do you see the photo in the upper, 21 right? 22 A I do. 23 Q Do you recognize who that is? 24 A I don't. 25 Q Okay. Thank you. Did you ever know -- to</p>	<p style="text-align: right;">Page 124</p> <p>1 A Yes, sir. 2 Q Okay. And this is an arrest that took place 3 at 540 East 36th Street. Is that correct? 4 A That is correct. 5 Q Okay. And looking at the photo in the upper 6 right, do you recognize the person in that photograph? 7 A No, I don't. 8 Q Okay. So, I'm going to take you down to the 9 second page where it says incident narrative. Could you 10 please go ahead and review that incident narrative and 11 let me know when you're done? 12 A Yes, sir. 13 Q Okay. And do you have any recollection of 14 this arrest? 15 A I don't. 16 Q Okay. I am going to refer you now to 17 Exhibit 55. That is at PL Joint 030452. 18 (EXHIBIT 55 MARKED FOR IDENTIFICATION) 19 A Yes, sir. The case report? 20 Q Yes, a vice case report, please. And -- okay. 21 Is your name listed as a reporting officer in the bottom 22 left of this document? 23 A Yes, that's my name. 24 Q Okay. And that means that you've reviewed -- 25 that you would've this document and affirmed its</p>
<p style="text-align: right;">Page 123</p> <p>1 your knowledge, did Sergeant Watts ever ask anyone to 2 help him find a gun? 3 A Meaning who asked who for help? I don't 4 understand your question. 5 Q Sure. Did Sergeant Watts ask anyone to help 6 him find -- well, let me -- not a police officer, did he 7 ever ask a civilian to help him find a gun? 8 A No. 9 Q Okay. And did you ever ask a civilian to help 10 you find a gun? 11 A No. 12 Q Okay. So, you -- when you're arresting 13 someone, at any time arresting someone, you don't ever 14 remember saying, "Hey, can you help me find a gun?" Or 15 asking them for information about guns? 16 A That's correct. No. 17 Q Okay. All right, I'm going to move on to ask 18 you about Raynard Carter. Do you know a Raynard Carter? 19 A I don't. 20 Q Okay. Would it refresh your recollection to 21 see an arrest report? 22 A Yes, it would. 23 Q Okay. I'm going to point you to Exhibit 54. 24 That's PL Joint 30449. 25 (EXHIBIT 54 MARKED FOR IDENTIFICATION)</p>	<p style="text-align: right;">Page 125</p> <p>1 accuracy; is that correct? 2 A That's correct. 3 Q Okay. And now can I ask you -- this is a two 4 page document. Can I ask you to please review the 5 narrative in this document? 6 A Okay. 7 Q Okay. Do you have any recollection of the 8 arrest documented in this report? 9 A I don't. 10 Q Okay. I'd like to turn your attention to 11 Exhibit 56. That's the affidavit of Raynard Carter at 12 PL Joint 30446. And do you have that in front of you? 13 (EXHIBIT 56 MARKED FOR IDENTIFICATION) 14 A I do, the affidavit, yes. 15 Q Great. And this is a three page document, but 16 could you please just review paragraphs one through 17 nine? That's all I want to ask you about and let me 18 know when you're done. 19 A Okay. 20 Q Okay. Did you ever use the lobby of the 21 540 East 36th Street as a gathering point for people you 22 had arrested? 23 A Did we ever use five -- I don't understand the 24 question. 25 Q Yeah. So, at the Ida B. Wells homes, did you</p>

<p style="text-align: right;">Page 126</p> <p>1 and – did you ever arrest multiple people at the same 2 time?</p> <p>3 MR. BAZAREK: Objection, foundation.</p> <p>4 A Have we ever arrested numerous people at the 5 same time, is that what you asked?</p> <p>6 Q That's what I asked.</p> <p>7 A Yes we have.</p> <p>8 Q And when – when multiple arrests are being 9 made, do you ever put -- gather everyone together before 10 taking them back to the district or wherever you're 11 taking them back to?</p> <p>12 MR. BAZAREK: Object to the form of the 13 question, foundation. Also, incomplete 14 hypothetical. Go ahead.</p> <p>15 A Yes, we would be it together. It doesn't 16 matter -- it could be a location, yes. We're waiting on 17 a band of wagon cars to transport, could be anything.</p> <p>18 Q And then did you ever use the lobby of the 540 19 East 36th Street as such a gathering point?</p> <p>20 MR. BAZAREK: Object to the form of the 21 question, and foundation. Go ahead.</p> <p>22 A I'm sure we have before. Yes, I would say 23 yes, probably. Like I said, we put them in numerous 24 places. Sometimes out in the parking lot. Yes.</p> <p>25 Q Okay. And after gathering the people who had</p>	<p style="text-align: right;">Page 128</p> <p>1 A No, sir.</p> <p>2 Q Actually, forgive me. Let me go back for one 3 second. I want to point you to Exhibit 57. That is DO 4 Joint 30010. It's two pages of mugshots. 5 (EXHIBIT 57 MARKED FOR IDENTIFICATION)</p> <p>6 A Yes, sir.</p> <p>7 Q Could you review the photos on those two pages 8 please?</p> <p>9 A Yes, sir.</p> <p>10 Q Do you recognize this person?</p> <p>11 A I don't.</p> <p>12 Q Okay. Great. So let me ask you again because 13 I forgot what you said. Do you know an Alhumza Stokes?</p> <p>14 A No, it's not recognizing a bell, no.</p> <p>15 Q Okay. Would it refresh your memory to look at 16 his arrest report?</p> <p>17 A It would help, yes.</p> <p>18 Q Great. Please look at Exhibit 58. That is a 19 document starting PL Joint 36943. 20 (EXHIBIT 58 MARKED FOR IDENTIFICATION)</p> <p>21 A I don't have anything -- but it's a arrest 22 report, sir?</p> <p>23 Q Yes, sir.</p> <p>24 A I have any numbers on mine, but I think it's 25 the one.</p>
<p style="text-align: right;">Page 127</p> <p>1 been arrested, did you, or have you or -- would you 2 speak to them as a group? Would you speak to them as a 3 group after they were gathered?</p> <p>4 MR. BAZAREK: Objection, foundation.</p> <p>5 A I don't know if we talked to them in -- as a 6 group or not. I can't recall.</p> <p>7 Q Okay. So then do you have any actual memory 8 to dispute what's written in paragraphs one to nine of 9 Raynard Carter's affidavit?</p> <p>10 A Yes. I would definitely dispute this 11 100 percent.</p> <p>12 Q Okay. Do you have any actual memory that 13 contradicts what's written in this affidavit?</p> <p>14 A Yes, because I prepared this arrest and I know 15 personally I never arrested anyone lawful -- unlawfully 16 and without justification, I arrested him when they were 17 doing something illegal. So yes, I do have recollection 18 of that because I know I never did anything of what he 19 is saying in his affidavit.</p> <p>20 Q Okay. Do you remember anything -- do you have 21 -- have an actual memory of how Raynard Carter's arrest 22 happened?</p> <p>23 A Other than my reports that I'm reviewing, no.</p> <p>24 Q Okay. Okay. I'm going to move on. Do you 25 know an Alhumza Stokes?</p>	<p style="text-align: right;">Page 129</p> <p>1 Q Okay. Well --</p> <p>2 A Oh, I see it. I see it now. 943?</p> <p>3 Q Yes, 943. That's right. Good --</p> <p>4 A Correct. I do see it. Sorry about that.</p> <p>5 Q That's fine. Do you see a photo in the upper 6 right corner?</p> <p>7 A I do.</p> <p>8 Q Do you recognize a person in that photo?</p> <p>9 A No. And it looks different from -- the braids 10 looks different from the picture of the other one.</p> <p>11 Q Yeah, I know. I'm sorry, the last photo was 12 not of Mr. Stokes. That's --</p> <p>13 A Okay.</p> <p>14 Q No worries. Do you see -- this is an arrest 15 occurring at 540 East 36th street. Is that correct?</p> <p>16 A That's correct.</p> <p>17 Q Okay. I'm going to ask you to look at the 18 second page, please. Could you look down to the instant 19 narratives and review that and let me know when you've 20 finished doing so.</p> <p>21 A Yes, sir.</p> <p>22 Q Okay. Now, do you have any independent 23 recollection of this arrest?</p> <p>24 A No, sir.</p> <p>25 Q Okay. And do you have any memory of what your</p>

<p style="text-align: right;">Page 130</p> <p>1 involvement was in this arrest?</p> <p>2 A By looking at the arrest, I was the first</p> <p>3 arresting officer.</p> <p>4 Q Okay. What can you tell from that?</p> <p>5 A That I was a first arresting officer. On page</p> <p>6 three I was a first arresting officer.</p> <p>7 Q Okay. Does that tell you anything about how</p> <p>8 you were involved in this arrest?</p> <p>9 A No.</p> <p>10 Q Okay. So, I'd like to point you to Exhibit 59</p> <p>11 now. This is at PL Joint 30452.</p> <p>12 (EXHIBIT 59 MARKED FOR IDENTIFICATION)</p> <p>13 A Yes, sir.</p> <p>14 Q Sorry, I may be able to save us a second. Let</p> <p>15 me check if this is the exact same thing I showed you a</p> <p>16 minute ago, because if it is, I'm not going to make you</p> <p>17 look at it again. Let's see here. Sure, looks a lot</p> <p>18 like that last thing I showed you. Let's see here.</p> <p>19 Yeah, that's Exhibit 52. Yeah, this is the same thing I</p> <p>20 showed you before.</p> <p>21 MR. BAZAREK: Meaning Exhibit 55?</p> <p>22 MR. HILKE: Yeah, exhibit -- looks like Exhibit</p> <p>23 55 is the same as Exhibit 59.</p> <p>24 MR. BAZAREK: Agreed.</p> <p>25 BY MR. HILKE:</p>	<p style="text-align: right;">Page 132</p> <p>1 A Not that I recall, no.</p> <p>2 Q Okay. And do you have any independent memory</p> <p>3 that contradicts any of what is written in this</p> <p>4 affidavit?</p> <p>5 A Yes. That -- that this -- this is completely</p> <p>6 false. And like I said before, I would -- I never</p> <p>7 arrested anyone law -- unlawfully and I -- 100 percent,</p> <p>8 my report is truthful and accurate.</p> <p>9 Q Okay. And when you're saying that you're</p> <p>10 saying that you don't remember -- I'm sorry, you're</p> <p>11 saying that you do -- you have no memory of falsely</p> <p>12 arresting anyone? Is that right?</p> <p>13 A That's correct. I never arrest anyone</p> <p>14 falsely.</p> <p>15 Q And you don't have -- you can't picture any of</p> <p>16 the -- of the arrest -- you can't picture the arrest in</p> <p>17 your mind of Mr. Stokes happening, can you?</p> <p>18 A No.</p> <p>19 Q And that's because you don't have -- you don't</p> <p>20 remember it, isn't that right?</p> <p>21 A That's correct. But I know -- 100 percent</p> <p>22 sure that I didn't arrest him falsely, and I didn't</p> <p>23 plant any drugs or narcotics on him. I could say that</p> <p>24 for sure.</p> <p>25 Q Okay. I'm going to move on. Do you remember</p>
<p style="text-align: right;">Page 131</p> <p>1 Q Great. So, I'm not going to ask you about</p> <p>2 that again. Let's move to Exhibit 60. Exhibit 50 is</p> <p>3 -- 60 is an affidavit of Alhumza Stokes at PL Joint</p> <p>4 36941?</p> <p>5 (EXHIBIT 60 MARKED FOR IDENTIFICATION)</p> <p>6 A Yes, sir.</p> <p>7 Q It's two pages, 15 paragraphs. Could you</p> <p>8 review this affidavit and let me know when you're</p> <p>9 finished.</p> <p>10 A Okay.</p> <p>11 Q Okay. So, remember we talked a minute ago</p> <p>12 about how at times people would've been -- you would --</p> <p>13 you and other officers would gather people who had been</p> <p>14 arrested and that at times that would be in a building</p> <p>15 lobby?</p> <p>16 A Yes, sir.</p> <p>17 Q Okay. Do you remember ever asking -- do you</p> <p>18 remember the arrestees ever being made to wait on their</p> <p>19 knees after being gathered?</p> <p>20 A Like I said, I don't remember this arrest and</p> <p>21 I would've stated in my report, and we didn't bring them</p> <p>22 back into the lobby area.</p> <p>23 Q Okay. But do you remember ever arrestees who</p> <p>24 had been gathered, being placed on their needs in the</p> <p>25 Ida B. Wells homes?</p>	<p style="text-align: right;">Page 133</p> <p>1 a David Holmes?</p> <p>2 A That name sound familiar, but no.</p> <p>3 Q Okay. Would it refresh your recollection to</p> <p>4 look at an arrest report?</p> <p>5 A Yes, it would, sir.</p> <p>6 Q Okay. If you would look at Exhibit 61,</p> <p>7 please. That's a document starting at COPA Watts</p> <p>8 045014.</p> <p>9 (EXHIBIT 61 MARKED FOR IDENTIFICATION)</p> <p>10 A Yes, sir.</p> <p>11 Q Okay. Do you sort of see a photograph in the</p> <p>12 upper right?</p> <p>13 A Sort of, yes, sir.</p> <p>14 Q Okay. That -- does that -- do you recognize</p> <p>15 who that is?</p> <p>16 A No, sir.</p> <p>17 Q It's not much of a photo, is it?</p> <p>18 A No, it's blurry.</p> <p>19 Q Yeah. So, this is an arrested at 575 East</p> <p>20 Browning Avenue. Is that right?</p> <p>21 A That's correct.</p> <p>22 Q Okay. Do you have any independent</p> <p>23 recollection of arresting a Mr. David Holmes?</p> <p>24 A No, not at top of my head, no.</p> <p>25 Q Okay. I'm going to point you to page two.</p>

<p style="text-align: right;">Page 134</p> <p>1 Could you please review the instant narrative on page 2 two and let me know when you've finished? 3 A Yes, sir. 4 Q Okay. Do you have any recollection of this 5 arrest? 6 A I don't. 7 Q Okay. I'm going to move on to the affidavit. 8 I'm going to ask you to look at Exhibit 62, that is PL 9 Joint 037247. 10 (EXHIBIT 62 MARKED FOR IDENTIFICATION) 11 A Yes, sir. 12 Q Could you review this affidavit please? It's 13 two pages, paragraphs one to 12. And let me know when 14 you're done. 15 A Yes, sir. 16 Q Okay. Do you have any independent 17 recollection that contradicts this affidavit? 18 A Yes. By reading the arrest report and case 19 report, I would totally contradict this because I've 20 never seen any other officers falsely arrest anyone in 21 my career. 22 Q Okay. But having reviewed this, you don't 23 remember specifically the arrest of David Holmes; is 24 that correct? 25 A That is correct. No, I don't remember.</p>	<p style="text-align: right;">Page 136</p> <p>1 recollection of this arrest? 2 A I don't. 3 Q Okay. And let me now point you to Exhibit 64. 4 That is PL Joint 041754. 5 (EXHIBIT 64 MARKED FOR IDENTIFICATION) 6 A Okay. 7 Q And do you see your name listed in the upper 8 left of that document? 9 A I do. 10 Q And does that mean that you were involved in 11 this arrest in some way? 12 A In some way, yes. 13 Q Okay. And can you go ahead and review the 14 report and let me know when you've finished doing so? 15 A Sir, my first page is all blurry. 16 Q Yeah, mine too. 17 A So I don't know if there's anything on there 18 that -- I can't review that. 19 Q Okay. So, I'm going to represent to you what 20 I can read in number 40 and because I think the good 21 stuff is on the second page. What I read in the 22 narrative description is event number 05084. "Items 23 inventoried, one black plastic bag, one clear plastic 24 bag with 92 Ziploc baggies with white powder, substance 25 suspect heroin, one clear plastic bag with 153 Ziploc</p>
<p style="text-align: right;">Page 135</p> <p>1 Q Okay. All right. I'm going to move on. Do 2 you remember a Derrick Mapp? 3 A No, sir. 4 Q Okay. I'm going to -- would it refresh your 5 memory to look at an arrest report? 6 A It could help, yes. 7 Q Okay. I'm going to ask you to look at 8 Exhibit 63. This is PL Joint 45790. The number -- 9 A That's correct. I'm looking at -- oh, I'm 10 sorry, sir. I'm sorry. 11 Q No, you're good. Do you see a photo in the 12 upper right here? 13 (EXHIBIT 63 MARKED FOR IDENTIFICATION) 14 A I do. 15 Q Do you recognize the person in that photo? 16 A I don't. Looking at this photo, no. 17 Q Okay. And this an arrested 527 East Browning 18 Avenue. Is that correct? 19 A That is correct. 20 Q Okay. I'm going to ask you to look at the 21 second page and read the incident narrative. Could you 22 review the incident narrative and let me know when you 23 finished doing so? 24 A Yes, sir. Yes, sir. 25 Q Okay. Do you have any independent</p>	<p style="text-align: right;">Page 137</p> <p>1 baggies with white powder, suspect heroin, one clear 2 plastic bag with 100 Ziploc baggies with white powder, 3 suspect heroin, one clear plastic bag with 98 Ziploc 4 plastic baggies with white powder, suspect heroin, and 5 one clear plastic bag with 100 Ziploc baggies with white 6 powder, suspect heroin," and then a string of X's. I 7 think you'll find that the second page is legible. 8 A Okay. 9 Q Is that correct? 10 A Yeah, I could see the second page, some of 11 it's redacted. 12 Q Understood. Please go ahead and do your best 13 and let me know when you're done reviewing it. 14 A Yes, sir. 15 Q Okay. Can you tell from this report, what 16 your involvement in this arrest was? 17 A Not by looking at this. No, I don't know what 18 my involvement was. 19 Q Okay. And feel free to consult -- well, 20 perfect. Let me turn you now to Exhibit 65. This is 21 the affidavit of Derrick Mapp at PL Joint 50915. This 22 is a two-page document with 11 paragraphs. 23 (EXHIBIT 65 MARKED FOR IDENTIFICATION) 24 A Yes, sir. 25 Q Could you go ahead and review the affidavit</p>

<p style="text-align: right;">Page 138</p> <p>1 and let me know and read it through and let me know when 2 you're finished. 3 A Yes, sir. Yes, sir. 4 Q Was there an incinerator room on the third 5 floor of 527 East Browning? 6 A I don't know. The incinerator room was all 7 the way at the ground level. 8 Q Okay. So, there is an incinerator room, but 9 it's at the ground level of 527 East Browning? 10 A I believe so. Yes. 11 Q Okay. Have you ever been inside the 12 incinerator room? 13 A I don't recall if I've ever been inside there 14 or not. 15 Q Have you ever seen Sergeant Watts take anyone 16 into the incinerator room? 17 A No, not that I recall. No. 18 Q What about Officer Mohammed? 19 A Not that I recall, no. 20 Q Okay. Do you have any independent 21 recollection that contradicts this affidavit? 22 A Yes. I would say yes. By reading the 23 reports, I would say this is a hundred percent false 24 because officers -- I've never seen anyone falsely 25 arrest anyone or falsely do anything on a narrative.</p>	<p style="text-align: right;">Page 140</p> <p>1 Q Okay. Would it refresh your recollection to 2 look at an arrest report? 3 A It could, yes. 4 Q I'm going to show you an Exhibit 66. This is 5 at PL Joint 49533. 6 (EXHIBIT 66 MARKED FOR IDENTIFICATION) 7 A 533. Yes, sir. 8 Q And do you see the photo in the upper right? 9 A I do. 10 Q Do you recognize who that is? 11 A No, sir. 12 Q Okay. And this is an arrested 559 East 13 Browning Avenue. Is that correct? 14 A That is correct. 15 Q Okay. I'm going to scroll down to the second 16 page. Can you review the narrative on the second page 17 of this document and let me know when you're done? 18 A Okay, sir. 19 Q Okay. And having read that, are you able to 20 tell this from this report what role you played in the 21 arrest? 22 A Not by looking at this report, no, sir. 23 Q Okay. All and looking at the third page, it 24 says that you're the attesting officer. Is that 25 correct?</p>
<p style="text-align: right;">Page 139</p> <p>1 Also, when they go into the lockup, they ask you if 2 you're sick, injured, need to go to a hospital, in which 3 he didn't. And they wouldn't have took him into the 4 lockup if he didn't -- if he said he was sick, injured, 5 or needed to go to the hospital. 6 Q So you would say that -- so what you're saying 7 is you don't believe this affidavit because anyone who 8 was beaten by a police officer would report that when 9 they got to lockup? 10 A If he's hurt and needs to go to the hospital, 11 yes, he would say that, and the lockup keeper would not 12 take him into the lockup. That's correct. 13 Q Okay. You don't have any memory of how 14 Derrick Mapp's arrest happened, do you? 15 A No, other than reading the arrest report in 16 the vice case report, that's correct. 17 Q Okay. And I guess, just to clarify, when you 18 say other than reading it, you don't mean that you read 19 it, and then it sparked a new memory. You just mean you 20 can understand what's written in the report. Is that 21 correct? 22 A That's correct. 23 Q Okay. Thank you. I'm moving on. Do you know 24 a Jermaine Morris? 25 A No, that name does not ring a bell. No.</p>	<p style="text-align: right;">Page 141</p> <p>1 A That's correct. 2 Q Okay. But you're not either of the arresting 3 officers in this case? 4 A No. 5 Q The first or the second arresting officer I 6 should say. 7 A Yeah. Yeah. I'm not the first or second 8 arresting officer. I could be assisting arresting 9 officer. I haven't got that far in the arrest report. 10 Q That's fair. So, I guess go ahead and look at 11 page five that says that you're an assisting arresting 12 officer. Is that correct? 13 A Yes, it does. 14 Q Okay. And I'm sorry if I already asked this, 15 do you have any independent recollection of this arrest? 16 A No, I don't. 17 Q Okay. Let's turn to Exhibit 67. This is an 18 affidavit of Jermaine Morris, and it starts at PL Joint 19 52606. 20 (EXHIBIT 67 MARKED FOR IDENTIFICATION) 21 A 610. Correct. 22 Q Yep. So, Mr. Morris talks about multiple 23 incidents in this affidavit, but the only one I want to 24 ask you is on -- starts on the second page and is 25 paragraphs 19 to 26. Could you please review paragraphs</p>

<p style="text-align: right;">Page 142</p> <p>1 19 to 26, and let me know when you're done?</p> <p>2 A Yes, sir.</p> <p>3 Q Okay. So as a police officer, are there</p> <p>4 situations in which you're not allowed to enter</p> <p>5 someone's home?</p> <p>6 A Yes, sir.</p> <p>7 Q What do you need to be able to enter someone's</p> <p>8 home?</p> <p>9 A You need a search warrant, you could be hot</p> <p>10 pursuit chasing someone into a residence, or if you see</p> <p>11 them -- you see a arrestee in there that you had in</p> <p>12 there, you could get in there.</p> <p>13 Q Okay. And in other situations, you need</p> <p>14 consent to enter someone's home. Is that correct?</p> <p>15 A That's correct.</p> <p>16 Q Okay. And have you ever entered someone's</p> <p>17 home without consent or one of the justifications you</p> <p>18 just described?</p> <p>19 A No, sir.</p> <p>20 Q Okay. What else do I have? In this</p> <p>21 affidavit, Mr. Morris describes Al Jones and a big white</p> <p>22 officer standing in the hallway and pushing their way</p> <p>23 into the apartment. And --</p> <p>24 A Could I stop? What line are you on?</p> <p>25 Q Sorry. I'm line 19.</p>	<p style="text-align: right;">Page 144</p> <p>1 two officers?</p> <p>2 A I don't remember this report, sir, so I don't</p> <p>3 know.</p> <p>4 Q Okay.</p> <p>5 A But like I said, I wasn't the only white</p> <p>6 person on this team.</p> <p>7 Q Understood. Based on this report, is it</p> <p>8 possible that you and Al Jones were the first two</p> <p>9 officers involved in the arrest?</p> <p>10 A I can't answer that question. I don't know.</p> <p>11 Q Okay. Do you see anything in this report that</p> <p>12 would give you any information about who the first two</p> <p>13 officers were?</p> <p>14 A Looking at the arrest report, no.</p> <p>15 Q Okay. So, turning back to Exhibit 67, Mr.</p> <p>16 Morris' affidavit, and here, I'm only asking you about</p> <p>17 paragraphs 19 to 26, which I asked you to review. Do</p> <p>18 you have any independent memory that contradicts what</p> <p>19 you read in those paragraphs?</p> <p>20 A Other than reading the arrest report, I would</p> <p>21 say this is completely false and I would disagree with</p> <p>22 it because --</p> <p>23 Q And is --</p> <p>24 A -- looking at this --</p> <p>25 Q Oh, I'm sorry.</p>
<p style="text-align: right;">Page 143</p> <p>1 A 19. Okay.</p> <p>2 MR. BAZAREK: Paragraph 19.</p> <p>3 Q Yeah, paragraph 19. Thank you.</p> <p>4 A All right. Got it.</p> <p>5 Q So here's my question and feel free to look</p> <p>6 back at the arrest report. Is the arrest report</p> <p>7 consistent with you and Al Jones being the first two</p> <p>8 officers to contact Mr. Morris during this arrest?</p> <p>9 MS. DOI: This is Kathryn Doi. I'll object to</p> <p>10 form.</p> <p>11 A Could you repeat that question, sir?</p> <p>12 Q Yeah. Is the arrest report, and that's</p> <p>13 Exhibit 66 that we were looking at before, is that</p> <p>14 consistent with you and Al Jones being the first two</p> <p>15 officers involved in this arrest?</p> <p>16 MR. BAZAREK: Object to the form.</p> <p>17 A I don't already remember this arrest, sir, so</p> <p>18 I don't know.</p> <p>19 Q Okay. Based on this arrest report, can you</p> <p>20 tell whether you and Al Jones were the first two</p> <p>21 officers to contact Mr. Morris in this arrest?</p> <p>22 A Looking at this report, no. But I wasn't the</p> <p>23 only white person on the team.</p> <p>24 Q And I'm sorry, when you say no, do mean that</p> <p>25 you could have been, or you couldn't have been the first</p>	<p style="text-align: right;">Page 145</p> <p>1 A Looking at this, I would never seen an officer</p> <p>2 falsify an arrest or make an unlawful arrest.</p> <p>3 Q Is that based on any specific memory you have</p> <p>4 of Mr. Morris's arrest?</p> <p>5 A Of his arrest, yes, because I would never see</p> <p>6 another officer make a false arrest.</p> <p>7 Q Okay. So, I understand it's based on you've</p> <p>8 never seen something?</p> <p>9 A My knowledge?</p> <p>10 Q Yeah. But do you -- sorry, strike that. Do</p> <p>11 you remember anything specific about Mr. Morris' arrest?</p> <p>12 A No, I don't.</p> <p>13 Q Okay. Thank you. I'm going to move on. Next,</p> <p>14 I have -- do you know an Alvin Waddy?</p> <p>15 A The name, no, not, no. Not that I recall.</p> <p>16 No. I don't know. No.</p> <p>17 Q What about someone with the nickname of Ivo?</p> <p>18 I-V-O.</p> <p>19 A No, that name doesn't ring a bell at all.</p> <p>20 Q Okay. Would it refresh your memory to see an</p> <p>21 arrest report?</p> <p>22 A It could, yes.</p> <p>23 Q Okay. I'll point you to Exhibit 68. This is</p> <p>24 DO Joint 0335 -- sorry, strike that. DO Joint 033554.</p> <p>25 (EXHIBIT 68 MARKED FOR IDENTIFICATION)</p>

<p style="text-align: right;">Page 146</p> <p>1 A Okay. I'm looking at the arrest report.</p> <p>2 Q Okay. And this arrest occurred at 574 East</p> <p>3 36th Street. Is that correct?</p> <p>4 A That's correct.</p> <p>5 Q Okay. Go ahead and look at the second page.</p> <p>6 There's going to be a narrative description near the</p> <p>7 bottom. Can you go ahead and read that narrative</p> <p>8 description and let me know when you're done?</p> <p>9 A Yes, sir.</p> <p>10 Q Okay. And having reviewed it, do you have any</p> <p>11 independent recollection of this arrest?</p> <p>12 A No, sir.</p> <p>13 Q Okay. And pointing to page three, does page</p> <p>14 three show you as the attesting officer in this arrest</p> <p>15 report?</p> <p>16 A It does, sir.</p> <p>17 Q Okay. And that means that you would've</p> <p>18 reviewed this and verified its accuracy. Is that</p> <p>19 correct?</p> <p>20 A That's correct.</p> <p>21 Q Okay. So now I'm going to point you to</p> <p>22 Exhibit 70. This is the affidavit of Alvin Waddy and</p> <p>23 it's at PL Joint 28905.</p> <p>24 (EXHIBIT 70 MARKED FOR IDENTIFICATION)</p> <p>25 A Yes, sir.</p>	<p style="text-align: right;">Page 148</p> <p>1 A Yes. By reading the arrest report and the</p> <p>2 vice case report. And I would say that's completely</p> <p>3 false because I know he is lying, and this is totally</p> <p>4 false, and I would have no other reason to believe an</p> <p>5 officer would falsely arrest or that I would be a part</p> <p>6 of either I would make a false arrest.</p> <p>7 Q Okay. And do you remember anything outside of</p> <p>8 what you've read in the reports about the arrest of</p> <p>9 Alvin Waddy?</p> <p>10 A No, sir.</p> <p>11 Q Okay. And I'm going to turn to Exhibit 71,</p> <p>12 which is DO Joint 010443. This is an arrest report.</p> <p>13 (EXHIBIT 71 MARKED FOR IDENTIFICATION)</p> <p>14 A Yes, I'm looking at it now.</p> <p>15 Q Do you recognize the photo in the upper right</p> <p>16 corner?</p> <p>17 A No. No.</p> <p>18 Q Okay. Good. Could we take a five-minute</p> <p>19 break?</p> <p>20 MR. BAZAREK: Sure.</p> <p>21 COURT REPORTER: Okay. We're going off the</p> <p>22 record. The time is 4:0 -- or 3:05 p.m.</p> <p>23 (OFF THE RECORD)</p> <p>24 COURT REPORTER: Okay. We're back on the</p> <p>25 record for the deposition of Douglas Nichols. My</p>
<p style="text-align: right;">Page 147</p> <p>1 Q This is a two-page affidavit with nine</p> <p>2 paragraphs. Could you go ahead and read it and let me</p> <p>3 know when you're done?</p> <p>4 A Yes, sir. Yes, sir.</p> <p>5 Q So, Mr. Waddy in this affidavit on paragraph</p> <p>6 four, says that the officers put like 30 of us up</p> <p>7 against the wall and searched us. At the Ida B. Wells</p> <p>8 homes, did you ever see that many people put against the</p> <p>9 wall and searched?</p> <p>10 A I believe so. During -- yes, I think so.</p> <p>11 Q Okay. And on more than one occasion?</p> <p>12 A I would say probably yes.</p> <p>13 Q Under what circumstances or -- sorry. Do you</p> <p>14 remember anything about the circumstances of those</p> <p>15 searches?</p> <p>16 A No, I don't.</p> <p>17 Q And do I have any idea why you or other</p> <p>18 officers would search at many people at the same time?</p> <p>19 A If we are doing a reverse sting mission, if</p> <p>20 we're doing a thing with trespass, there could be</p> <p>21 numerous things that we search that many people at that</p> <p>22 time.</p> <p>23 Q Okay. So, do you have any independent memory</p> <p>24 that contradicts what you've read in Mr. Waddy's</p> <p>25 affidavit?</p>	<p style="text-align: right;">Page 149</p> <p>1 name is Jesse Harp. Today is the 18th day of April</p> <p>2 2022, and the time is 3:13 p.m.</p> <p>3 BY MR. HILKE:</p> <p>4 Q Okay. Detective Nichols, I'm going to ask you</p> <p>5 a few questions about Ben Baker now, okay?</p> <p>6 A Yes, sir.</p> <p>7 Q And I'm going to ask for the record that you</p> <p>8 not consult any documents until we know for the record</p> <p>9 that you're consulting them. Is that fair?</p> <p>10 A That's fair.</p> <p>11 Q Great. Do you know a Ben Baker?</p> <p>12 A I do.</p> <p>13 Q Okay. Do you remember when you first met him?</p> <p>14 A I don't.</p> <p>15 Q Okay. How did you know Ben Baker?</p> <p>16 A I know he was a drug dealer in Ida B. Wells</p> <p>17 and he was basically in control of 527 East Browning,</p> <p>18 controlling the narcotics sales.</p> <p>19 Q How did you acquire that information?</p> <p>20 A That he was a drug dealer? Because I arrested</p> <p>21 him. That's how I knew he was a drug dealer.</p> <p>22 Q And what informed your belief that he</p> <p>23 controlled a building at the Ida B. Wells homes?</p> <p>24 A Through other officers. I'm not sure who, but</p> <p>25 I know other officers informed me of that.</p>

<p style="text-align: right;">Page 150</p> <p>1 Q Okay. And do you recall arresting Mr. Baker?</p> <p>2 A I do.</p> <p>3 Q And how many times did you arrest him?</p> <p>4 A I believe it was one time.</p> <p>5 Q Okay. And do you remember what -- what's the</p> <p>6 first thing you remember about the day that you arrested</p> <p>7 him?</p> <p>8 A I remember going into the building, then I</p> <p>9 remember him holding a clear plastic bag, and then</p> <p>10 running down the stairs, and the clear plastic bag</p> <p>11 contained numerous bags of suspected narcotics. And</p> <p>12 then he ran down the stairs.</p> <p>13 Q Why were you at the building that day?</p> <p>14 A Excuse me?</p> <p>15 Q Why were you at that building that day?</p> <p>16 A To do a building premise check.</p> <p>17 Q Okay. And what's the premise check?</p> <p>18 A A premise check is, we check the building to</p> <p>19 make sure if any illegal activity is happening in the</p> <p>20 building, and we could start from the bottom floor and</p> <p>21 work up, or we could start from the top floor and work</p> <p>22 down. It's just a premise check of the building.</p> <p>23 Q And do you remember why you had been</p> <p>24 instructed to do a premise check that day?</p> <p>25 A I know because of high narcotics levels in the</p>	<p style="text-align: right;">Page 152</p> <p>1 Q Okay. And who is your partner?</p> <p>2 A Officer Leano.</p> <p>3 Q Was anyone else with you?</p> <p>4 A At that time, no.</p> <p>5 Q Okay. And when -- and so you and Officer</p> <p>6 Leano -- tell me how -- do you use the stairs or the</p> <p>7 elevator for the premise check?</p> <p>8 A Stairs.</p> <p>9 Q Okay. Was the elevator operational?</p> <p>10 A I don't recall. I don't know.</p> <p>11 Q Okay. And how many sets of stairs were there</p> <p>12 at the building?</p> <p>13 A How many sets of stairs? I don't understand</p> <p>14 your question.</p> <p>15 Q Yeah. How many -- I mean, how many staircases</p> <p>16 were in the building?</p> <p>17 A Different entrances? You -- are you talking</p> <p>18 about, or stairs going up? I don't understand your --</p> <p>19 Q Yeah, I'm talking about stairs going up.</p> <p>20 A There is a front entrance and a back entrance.</p> <p>21 Q Okay. So, there were just two staircases</p> <p>22 going up and down in the building. Is that correct?</p> <p>23 A That is correct.</p> <p>24 Q And is it correct that you found Mr. Baker on</p> <p>25 the third floor of the building?</p>
<p style="text-align: right;">Page 151</p> <p>1 Ida B. Wells housing complex.</p> <p>2 Q Okay. And what does that mean, high narcotics</p> <p>3 levels?</p> <p>4 A That high narcotics are being sold at</p> <p>5 locations.</p> <p>6 Q And does that mean more than were usually</p> <p>7 being sold?</p> <p>8 A I don't understand that question.</p> <p>9 Q I mean, when you say high narcotics, what</p> <p>10 makes it high narcotics as opposed to just regular</p> <p>11 narcotics?</p> <p>12 A Because that was a high narcotics level area.</p> <p>13 They sold a lot of drugs at the Ida B. Wells housing</p> <p>14 complex and in that building.</p> <p>15 Q Was that always true of the Ida B. -- or,</p> <p>16 during the time you worked there, was that always the</p> <p>17 case at Ida B. Wells?</p> <p>18 A Yes, and that building also. Yes.</p> <p>19 Q So on any day while you were working in the</p> <p>20 second district, it was true that there were high</p> <p>21 narcotics levels at this building?</p> <p>22 A Yes.</p> <p>23 Q Okay. Do you remember who was with -- were</p> <p>24 there other police officers with you that day?</p> <p>25 A Yeah, my partner was.</p>	<p style="text-align: right;">Page 153</p> <p>1 A I would have to look at my reports on that,</p> <p>2 but I don't recall. I would have to look at my reports.</p> <p>3 Q Okay. Do you recall -- so do you recall what</p> <p>4 you saw when you -- so during this arrest, you climbed</p> <p>5 the stairs to get to the floor that Mr. Baker was on. Is</p> <p>6 that correct?</p> <p>7 A That's correct.</p> <p>8 Q And do you remember which staircase you took?</p> <p>9 A I don't recall. I would have to look at my</p> <p>10 reports.</p> <p>11 Q Okay. And when you got to the top of the</p> <p>12 stairs -- I'm sorry. When you got to the level that</p> <p>13 Mr. Baker was on, do you remember what you saw?</p> <p>14 A Him holding the clear plastic bag containing</p> <p>15 numerous bagged suspect narcotics.</p> <p>16 Q Okay. Where was he standing?</p> <p>17 A I don't recall. I'd have to look at my</p> <p>18 reports.</p> <p>19 Q Okay. And how was he holding the bag?</p> <p>20 A I don't -- I don't know how he was holding it,</p> <p>21 but I could see inside the clear plastic bag and knew --</p> <p>22 knew he contained numerous bags of suspect narcotics.</p> <p>23 Q Do you remember which hand he was holding it</p> <p>24 in?</p> <p>25 A His right.</p>

<p style="text-align: right;">Page 154</p> <p>1 Q Okay. And was he with anyone else?</p> <p>2 A I would have to look at my reports to see if</p> <p>3 he was with anyone else.</p> <p>4 Q Okay. And when you saw him, did you know who</p> <p>5 he was?</p> <p>6 A I don't recall if I did at that time or if I</p> <p>7 didn't. I don't recall.</p> <p>8 Q Okay. Did you have your gun drawn when you</p> <p>9 -- when you reached the level Mr. Baker was on?</p> <p>10 A No, not that I -- no, not that I recall. No.</p> <p>11 Q Did you ever carry your gun unholstered when</p> <p>12 you did a premise check?</p> <p>13 A This incident? Would -- could you repeat that</p> <p>14 question?</p> <p>15 Q In any situation, would you ever do a premise</p> <p>16 check with your gun unholstered?</p> <p>17 A Not that I recall. No.</p> <p>18 Q How far away was Mr. Baker when you spotted</p> <p>19 him?</p> <p>20 A I would have to look at my reports.</p> <p>21 Q And what happened after you first saw</p> <p>22 Mr. Baker?</p> <p>23 A He fled down the stairs.</p> <p>24 Q Okay. And was that the same set of stairs you</p> <p>25 climbed or a different set of stairs?</p>	<p style="text-align: right;">Page 156</p> <p>1 once you started chasing him, what do you remember</p> <p>2 seeing?</p> <p>3 A Just him running down the stairs and me</p> <p>4 following, chasing down the stairs.</p> <p>5 Q Okay. And did you -- was he in your line of</p> <p>6 sight the whole time during the chase?</p> <p>7 A To best of my knowledge, yes. Unless we went</p> <p>8 around a corner when I lost him for like less than -- I</p> <p>9 would say less than a second, not even a second, because</p> <p>10 I was -- go ahead.</p> <p>11 Q I'm sorry. No, please finish.</p> <p>12 A Because I was gaining on him. I know that for</p> <p>13 sure, too.</p> <p>14 Q Okay. Now, do you know who unit 264B refers</p> <p>15 to? B as in boy?</p> <p>16 A B as in boy? The best of my knowledge, that</p> <p>17 would be Officer Gonzalez and Officer Bolton, but I</p> <p>18 would have to look at my reports. But they're usually</p> <p>19 264 boy, B as in boy.</p> <p>20 Q Do you -- so I guess getting back to the</p> <p>21 chase, did Mr. Baker eventually reach the ground level?</p> <p>22 A He did. He made it to the lobby area. Yeah,</p> <p>23 that's correct.</p> <p>24 Q And what happened next?</p> <p>25 A He ran into 264 boy, and I approached, and I</p>
<p style="text-align: right;">Page 155</p> <p>1 A I don't recall. I would have to look at my</p> <p>2 reports.</p> <p>3 Q Okay. Do you remember how far away the two</p> <p>4 sets of stairs were on the floor where you encountered</p> <p>5 him?</p> <p>6 A I don't want to guess. I know you had to come</p> <p>7 out one stairwell. I don't want to guess. I don't want</p> <p>8 to be mistaken, how far was around -- it's around the</p> <p>9 corner. I don't know approx -- I don't know how -- how</p> <p>10 much feet it was.</p> <p>11 Q So you would say that the two staircases are</p> <p>12 -- they're close to one another?</p> <p>13 A In my perspective, close? Yes. I would say</p> <p>14 in my perspective, yes. Close in my perspective, yes.</p> <p>15 Q Okay. So, after Baker started to run, what</p> <p>16 did you do?</p> <p>17 A I gave chase.</p> <p>18 Q Okay. And what -- did your partner, Leano, do</p> <p>19 anything?</p> <p>20 A I think he also gave chase. I would have to</p> <p>21 look at my reports.</p> <p>22 Q Do you remember who was in front? You or your</p> <p>23 partner?</p> <p>24 A I was.</p> <p>25 Q Okay. Now, what do you remember about -- so</p>	<p style="text-align: right;">Page 157</p> <p>1 recovered the narcotics from him, and I placed him under</p> <p>2 arrest.</p> <p>3 Q Okay. And did -- did 264B, did those officers</p> <p>4 take any action to stop Mr. Baker?</p> <p>5 A They were right in front of him, so yes, I</p> <p>6 would say they took actions.</p> <p>7 Q Okay. And do you remember any other officers</p> <p>8 being present on the ground level?</p> <p>9 A Not that I recall. I would have to look at my</p> <p>10 reports.</p> <p>11 Q Okay. And was it -- and so when you -- where</p> <p>12 was the bag when you recovered it?</p> <p>13 A In his right hand.</p> <p>14 Q And was this the first time that -- or sir,</p> <p>15 when you were patrolling at Ida B. Wells, was this the</p> <p>16 only time you encountered someone who you witnessed</p> <p>17 having drugs during a premise check?</p> <p>18 A I don't recall. I don't know.</p> <p>19 Q Okay. And when you did a premise check, did</p> <p>20 you -- were there usually officers who waited on the</p> <p>21 ground level?</p> <p>22 A Not all the time, no.</p> <p>23 Q Okay. How much of the time would you say?</p> <p>24 A I wouldn't -- I don't know. I don't know.</p> <p>25 Q Was there any reason for stationing -- having</p>

<p style="text-align: right;">Page 158</p> <p>1 officers remaining on the ground level?</p> <p>2 A There was no set plan of -- to have officers</p> <p>3 on the ground level.</p> <p>4 Q Okay. When you say there was no set plan, can</p> <p>5 you tell me what you mean by there not being a set plan?</p> <p>6 A Set plan, there's nothing written in stone of</p> <p>7 how we conduct a premise check.</p> <p>8 Q Okay. So, did you have any expectations of</p> <p>9 what any other officers would be doing during that</p> <p>10 premise check?</p> <p>11 A Not that I recall, no. I don't recall.</p> <p>12 Q Okay. So, you're sort of saying there was no</p> <p>13 -- you didn't have a typical strategy that you and other</p> <p>14 officers would use for doing a premise check?</p> <p>15 A Other than starting at the ground level or</p> <p>16 working at the top level and working our way down,</p> <p>17 checking every floor, no.</p> <p>18 Q Okay. So, after you took the bag from</p> <p>19 Mr. Baker, what happened next?</p> <p>20 A I performed a search of him. So a search.</p> <p>21 Q Did you find anything?</p> <p>22 A Yes.</p> <p>23 Q What did you find?</p> <p>24 A Another clear plastic bag containing numerous</p> <p>25 suspect narcotics and a bundle of USC.</p>	<p style="text-align: right;">Page 160</p> <p>1 reports to see if they had any involvement.</p> <p>2 Q Okay. And do you remember an Officer Jones</p> <p>3 being involved at all?</p> <p>4 A No. I'd had to look at my reports also on</p> <p>5 Officer Jones.</p> <p>6 Q And after you had recovered the second bag</p> <p>7 from Baker, what did you do next?</p> <p>8 A I recovered the United States currency.</p> <p>9 Q And what did you do next?</p> <p>10 A I would have to look at my reports, but I</p> <p>11 think we transported them to the Second District for</p> <p>12 initial processing. But I would've to look at my</p> <p>13 reports.</p> <p>14 Q Do you remember calling Sergeant Watts after</p> <p>15 placing Baker in a car?</p> <p>16 A No. I don't recall that.</p> <p>17 Q Okay. And would you ever call Sergeant Watts</p> <p>18 after making an arrest?</p> <p>19 A I don't know if I ever did, but I wouldn't see</p> <p>20 anything wrong with that, calling him. No.</p> <p>21 Q Okay. And if you're trying to reach him, if</p> <p>22 you're -- if -- if -- if you're going to call your</p> <p>23 Sergeant, do you have like a department phone for that</p> <p>24 or would you use your personal phone?</p> <p>25 A I don't -- I never -- I just got a department</p>
<p style="text-align: right;">Page 159</p> <p>1 Q Okay. Let me ask you about the bag in his</p> <p>2 right hand. What do you remember about the bag that he</p> <p>3 held in his right hand while he fled?</p> <p>4 A I don't understand your question.</p> <p>5 Q Sure. Said he held a bag in his right hand as</p> <p>6 he fled, right?</p> <p>7 A That's correct.</p> <p>8 Q And then you recovered that bag from him when</p> <p>9 you got to the ground level?</p> <p>10 A That's correct.</p> <p>11 Q Can you picture that bag -- the bag in your</p> <p>12 head?</p> <p>13 A No. I knew it contained numerous bags of</p> <p>14 suspect narcotics, but no.</p> <p>15 Q Okay. And what about the bag that you</p> <p>16 recovered during the search? Can you picture of that in</p> <p>17 your head?</p> <p>18 A At this time, no. I would have to look at my</p> <p>19 reports.</p> <p>20 Q Okay. Sure. So, do you remember an Officer</p> <p>21 Cabrales being involved in the arrest at all?</p> <p>22 A Not to my knowledge, no.</p> <p>23 Q And do you remember an Officer Smith being</p> <p>24 involved in the arrest at all?</p> <p>25 A Not to my -- no. I would have to look at the</p>	<p style="text-align: right;">Page 161</p> <p>1 phone just recently when I made detective, otherwise I</p> <p>2 had my personal cell phone.</p> <p>3 Q It'd be your personal phone. And the number</p> <p>4 you had for Sergeant Watts, was that -- do you know if</p> <p>5 that was a department phone or a personal phone?</p> <p>6 A The number I had for him?</p> <p>7 Q Yeah.</p> <p>8 A I believe that was his personal cell phone.</p> <p>9 Q Okay. Did you ever call Sergeant Watts on his</p> <p>10 personal cell phone?</p> <p>11 A I'm sure I have called Sergeant Watts on his</p> <p>12 personal cell phone before, yes.</p> <p>13 Q Okay. And how often -- and were there other</p> <p>14 ways you would contact Sergeant Watts while working on</p> <p>15 his tac team?</p> <p>16 A I don't understand that question, sir.</p> <p>17 Q Sure. So other than calling him, if you</p> <p>18 wanted to talk to him, was there any other way you would</p> <p>19 try to reach him?</p> <p>20 A While on duty?</p> <p>21 Q Yeah.</p> <p>22 A Sure. Maybe the radio.</p> <p>23 Q The radio. Okay. And would you communicate</p> <p>24 with Watts frequently while you're working on his tac</p> <p>25 team?</p>

<p style="text-align: right;">Page 162</p> <p>1 MR. BAZAREK: Object to foundation. 2 A I don't understand your question. 3 Q Yeah. Would you communicate with Sergeant 4 Watts frequently while you were working on his tac team? 5 MR. KOSOKO: Objection. This is counsel for 6 Watts. 7 A I don't -- I don't think so. I wouldn't say 8 -- I would say no. 9 Q Do you remember Sergeant Watts arriving on the 10 scene of Mr. Baker's arrest? 11 A I don't. I would have to look at my reports 12 if he ever did or didn't. 13 Q And do you remember Officer Jones arriving on 14 the scene after Mr. Baker's arrest? 15 A I would have to look at my reports on that one 16 too. I don't recall. 17 Q Okay. And do you have any recollection of 18 interacting Mr. Baker before this arrest? 19 A Not that I recall, no. 20 Q Okay. Thank you. I want to at long last put 21 your attention on Exhibit 72. This is the Baker arrest 22 report, PL Joint 00083. 23 (EXHIBIT 72 MARKED FOR IDENTIFICATION) 24 A Yes, sir. 25 Q Do you see the photograph in the upper right?</p>	<p style="text-align: right;">Page 164</p> <p>1 Q Thank you. 2 A Okay. 3 Q Okay. So, is what's written here consistent 4 with your memory of the arrest? 5 A Yes. 6 Q And do you remember anything else about the 7 arrest that we haven't discussed? 8 A Not that I recall. No. 9 Q And on page three, do you see that it lists 10 you as the attesting officer? 11 A Yes, sir. 12 Q And so would that mean that you had affirmed 13 the accuracy of everything in this report? 14 A That's correct. 15 Q Great. Let me point you now to Exhibit 73. 16 This is going to be a vice case report, City BG 00025. 17 (EXHIBIT 73 MARKED FOR IDENTIFICATION) 18 A Yes, sir. 19 Q And -- ah. And so, it's -- do you see your 20 signature in the lower left corner here? 21 A I do. 22 Q And is that actually your signature? 23 A It is. 24 Q Okay. And could you take a minute and please 25 review the narrative of this document on pages -- on the</p>
<p style="text-align: right;">Page 163</p> <p>1 A I do. 2 Q Do you recognize the person in that photo? 3 A I do. 4 Q And who is it? 5 A Ben Baker. 6 Q Okay. And this is an arrest at address 527 7 East Browning Avenue. Is that correct? 8 A That is correct. 9 Q Okay. So, this -- I'm looking at page two, 10 the incident narrative. Here it says that "AOs were 11 directed by Sergeant Watts to go to above building for 12 high narcotics activity." Do you have an independent 13 recollection of Sergeant Watts directing you to that 14 building on that day? 15 A I don't. 16 Q Okay. And it says that as you reached the 17 third floor of the building, you observed the above 18 subject holding a clear plastic bag containing suspect 19 narcotics. So, is this arrest occurring on the third 20 floor consistent with your recollection of that day? 21 A To the best of my recollection, yes. It 22 happened, yes. 23 Q Okay. And can you take a minute to finish 24 reviewing this report please? I'm -- 25 A Yes, sir.</p>	<p style="text-align: right;">Page 165</p> <p>1 first and second pages? And let me know when you're 2 done. 3 A Yes, sir. Yes, sir. 4 Q Okay. And having reviewed this, has that 5 refreshed any additional memories about the arrest? 6 A Other than what we talked about, nothing 7 further. No. 8 Q Okay. And so, from what you've reviewed, can 9 you tell what Officer Jones did on this arrest? 10 A Looking at this report, no. 11 Q Can you tell what Officer Smith did on this 12 arrest? 13 A Looking at this report, no. 14 Q And can you tell what Officer Cabrales did on 15 this arrest? 16 A By looking at this report, no. 17 Q And feel free to look back if you'd like. I 18 have the same question, if anything you read in the 19 arrest report refreshed your memory of what those 20 officers did. 21 A The officers you just stated? No, that 22 doesn't recollect my memory. 23 Q Okay. Thank you. Do you recall testifying at 24 Baker's trial in June 2006? 25 A I don't recall. I would have to go back and</p>

<p style="text-align: right;">Page 166</p> <p>1 look.</p> <p>2 Q Okay. That's fine. Yeah. I think I'm going</p> <p>3 to ask you to -- sorry. Give me one second here,</p> <p>4 please. Okay. Do you a copy of Exhibit 75 in front of</p> <p>5 you? That would be Baker Glen 000418. And this is a</p> <p>6 long one. This is like a hundred -</p> <p>7 (EXHIBIT 75 MARKED FOR IDENTIFICATION)</p> <p>8 A I have 02 -- 021583.</p> <p>9 Q Let me see. No, I don't think that's it. I</p> <p>10 think I'm going to go ahead and share the screen with</p> <p>11 you for a moment here. Let's make sure you can see</p> <p>12 that. Okay. There we go. Can you see this document in</p> <p>13 front of you?</p> <p>14 A Yeah, it looks like the same one at 021583.</p> <p>15 Q Okay. Great. Well, I'll just scroll along</p> <p>16 here, and if it's easier for you to consult the version</p> <p>17 in front of you, that's fine. I just -- I don't notice</p> <p>18 that same number on the bottom of my exhibit here, so I</p> <p>19 don't want to --</p> <p>20 A Yes, sir.</p> <p>21 Q -- get it. Okay. So, this is People v. Baker</p> <p>22 on May 23, 2006. And I'm going to scroll down to your</p> <p>23 testimony in this case.</p> <p>24 MR. BAZAREK: Just look -- look at the screen.</p> <p>25 Q Yeah, the screen's fine. So, yeah. I'm</p>	<p style="text-align: right;">Page 168</p> <p>1 Q Okay. Let's see. Let me ask, do you remember</p> <p>2 questioning Mr. Baker at any time during or after his</p> <p>3 arrest?</p> <p>4 A Yeah, when I came back, and we Mirandized him</p> <p>5 in the Second District.</p> <p>6 Q Okay. What did you ask him?</p> <p>7 A We asked him about permanent questions, and he</p> <p>8 stated these blows are mine, but these ranks -- these</p> <p>9 rocks ain't.</p> <p>10 Q Okay. Do you recall asking him anything else?</p> <p>11 A I don't recall.</p> <p>12 Q Okay. And do you recall him saying anything</p> <p>13 else to you?</p> <p>14 A Not that I recall, no.</p> <p>15 Q Okay. And I'm going to stop sharing here for</p> <p>16 a minute. Do you know what apartment Baker lived in at</p> <p>17 527 East Browning?</p> <p>18 A I don't. I don't recall.</p> <p>19 Q Okay. And have you ever been inside Mr.</p> <p>20 Baker's apartment at 527 East Browning?</p> <p>21 A Not that I recall, no.</p> <p>22 Q Okay. And are you aware that Sergeant Watts</p> <p>23 and other officers previously searched Mr. Baker's</p> <p>24 apartment?</p> <p>25 MR. KOSOKO: Objection to foundation. This is</p>
<p style="text-align: right;">Page 167</p> <p>1 sorry. To keep it simple, I'll ask you to look at the</p> <p>2 screen while I go over this. I'll make sure we're both</p> <p>3 looking at the same thing.</p> <p>4 A Yes, sir.</p> <p>5 Q Okay. So do you see here that it has you,</p> <p>6 Officer Nichols -- I'm looking at page nine, looking at</p> <p>7 -- sorry. Good. Okay. I'm looking at Baker Glen 425.</p> <p>8 And it has you being questioned by Mr. Laskaris. Does</p> <p>9 that ring a bell?</p> <p>10 A No, it does not.</p> <p>11 Q Okay. So, you don't remember specifically who</p> <p>12 it was who questioned you? Is that right?</p> <p>13 A That's correct.</p> <p>14 Q Okay. I'm going to -- okay. So, I'm going to</p> <p>15 direct you to the bottom of this page, Baker Glen 428.</p> <p>16 It says question, "And what happened?" Starting on line</p> <p>17 20. Answer is, "We conducted -- we went up to the</p> <p>18 second floor and didn't see anyone up on the second</p> <p>19 floor, so we approached the third floor and we saw the</p> <p>20 defendant." Do you see that?</p> <p>21 A I do.</p> <p>22 Q And do you still not have any recollection of</p> <p>23 -- any independent recollection of your testimony at</p> <p>24 trial?</p> <p>25 A I don't remember the testimony at trial. No.</p>	<p style="text-align: right;">Page 169</p> <p>1 counsel for Watts.</p> <p>2 MR. BAZAREK: I'm going to object to</p> <p>3 foundation. Assumes facts not in evidence. Yeah.</p> <p>4 BY MR. HILKE:</p> <p>5 Q You can answer.</p> <p>6 A When?</p> <p>7 Q Are you aware that -- are you aware that</p> <p>8 Sergeant Watts and other officers searched Mr. Baker's</p> <p>9 apartment in July 2004?</p> <p>10 A No, I wasn't aware on -- in July of -- I</p> <p>11 wasn't even on the team in July of 2004, so no, I don't</p> <p>12 have any recollection of that.</p> <p>13 Q Okay. And do you have any recollection of</p> <p>14 Alvin Jones -- do you have any recollection of Alvin</p> <p>15 Jones speaking with Mr. Baker?</p> <p>16 MR. BAZAREK: Objection. Foundation.</p> <p>17 A When?</p> <p>18 Q During Mr. Baker's arrest. On the day of</p> <p>19 Mr. Baker's arrest.</p> <p>20 A Not that I recall, no.</p> <p>21 Q Okay. And on the day of Mr. Baker's arrest,</p> <p>22 do you recall seeing Jones interact with Baker at any</p> <p>23 time?</p> <p>24 A Like I said, not that I recall.</p> <p>25 Q Do you remember which officers were with you</p>

<p style="text-align: right;">Page 170</p> <p>1 in the lockup as you questioned Mr. Baker?</p> <p>2 MR. BAZAREK: Object to the form of the</p> <p>3 question and the reference to being in the lockup.</p> <p>4 A I don't understand that question.</p> <p>5 Q Where were you when you Mirandized Mr. Baker</p> <p>6 and questioned him?</p> <p>7 A In the tac office. Not the lockup.</p> <p>8 Q Thank you. Who was with you for the</p> <p>9 questioning?</p> <p>10 A I believe my partner was, Officer Leano.</p> <p>11 Q Anyone else?</p> <p>12 A Not that I recall. No.</p> <p>13 Q Do you remember in the -- I believe in both</p> <p>14 the arrest and case reports, it's saying that Mr. Baker</p> <p>15 was with of two other guys in the hallway?</p> <p>16 A I'm -- I'm looking at bank, my case report and</p> <p>17 arrest report.</p> <p>18 Q Take a look. Huh. Maybe it doesn't. Go</p> <p>19 ahead and look at the reports.</p> <p>20 A No, there's no one in here about two other</p> <p>21 individuals.</p> <p>22 Q Okay. So, do you have an independent memory</p> <p>23 of whether Mr. Baker was alone or with anyone else when</p> <p>24 you saw him?</p> <p>25 A I don't recall.</p>	<p style="text-align: right;">Page 172</p> <p>1 A Not that I arrested, no.</p> <p>2 Q What about that someone else arrested, that</p> <p>3 you know of?</p> <p>4 A Not that I recall, no.</p> <p>5 Q Okay. So, do you recall anyone being --</p> <p>6 anyone else being detained or gathered on the ground</p> <p>7 level after Mr. Baker was arrested?</p> <p>8 A No.</p> <p>9 Q Okay. I'm almost done for the day. Do you</p> <p>10 -- I'm going to talk about someone else now. Do you</p> <p>11 know a Clarissa Glenn?</p> <p>12 A I kind of remember. That's about it. That's</p> <p>13 it. If I'm thinking of the right person.</p> <p>14 Q Yeah. Do you recall a wife or partner of Ben</p> <p>15 Baker?</p> <p>16 A That's I think that was Clarissa Glenn.</p> <p>17 Q Okay. And do you remember ever interacting</p> <p>18 with Ms. Glenn?</p> <p>19 A Best of my knowledge, no.</p> <p>20 Q To your knowledge, were you ever involved in</p> <p>21 arresting her?</p> <p>22 A Best of my knowledge, no.</p> <p>23 Q Do you -- so during premise checks -- I think</p> <p>24 I already asked that. During premise checks, were there</p> <p>25 times when some officers would wait on the ground level</p>
<p style="text-align: right;">Page 171</p> <p>1 Q Okay. Okay. Give me just one second here,</p> <p>2 please.</p> <p>3 A No problem.</p> <p>4 Q Okay. So -- did Officer Leano search Baker on</p> <p>5 the day of his arrest?</p> <p>6 A I don't recall. I don't know.</p> <p>7 Q Do you have any memory of him searching -- I</p> <p>8 guess you just answered that. Strike that. How long</p> <p>9 -- after you searched Mr. Baker, how much time elapsed</p> <p>10 before -- did you leave the -- did you escort Mr. Baker</p> <p>11 from the building after you arrested him?</p> <p>12 A I don't recall who escorted him out. I don't</p> <p>13 recall.</p> <p>14 Q Do you remember how much time elapsed between</p> <p>15 when you searched Mr. Baker on the ground level and when</p> <p>16 he exited the building?</p> <p>17 A I don't know. I don't recall.</p> <p>18 Q And do you remember one way or another whether</p> <p>19 Sergeant Watts entered the building before Mr. Baker</p> <p>20 left the building?</p> <p>21 A I -- like I said before, I don't remember</p> <p>22 where Sergeant Watts was. If he arrived on scene or if</p> <p>23 he didn't arrive on scene.</p> <p>24 Q Do you remember if other people were arrested</p> <p>25 at the building during that premise check?</p>	<p style="text-align: right;">Page 173</p> <p>1 while others conducted the premise check?</p> <p>2 A Like I stated before, there's no such plan.</p> <p>3 They have other officers on the ground level, or not</p> <p>4 they have them on the ground level.</p> <p>5 Q Yeah. So, during Mr. Baker's arrest, do you</p> <p>6 know whether the officers who stopped him on the ground</p> <p>7 level, whether it was their plan to wait there, or</p> <p>8 whether it wasn't?</p> <p>9 A I don't recall. I don't know.</p> <p>10 Q Okay. So, do you recall any pattern of some</p> <p>11 officers staying on the ground level more often and some</p> <p>12 actually conducting the premise check more often?</p> <p>13 A Like I stated before, I don't recall. I don't</p> <p>14 know. There's no such plan of the officer staying on</p> <p>15 the ground level or not. I don't know. I don't recall.</p> <p>16 Q Okay. So, you wouldn't say that you more</p> <p>17 often went up and down or more often stayed on the</p> <p>18 ground level. Is that correct?</p> <p>19 A I don't know.</p> <p>20 Q Okay. What about your partner, Leano? Was</p> <p>21 there any pattern for him?</p> <p>22 A There was no set pattern, no.</p> <p>23 Q Okay. And what about Sergeant Watts? Was</p> <p>24 there or any set pattern for him?</p> <p>25 A You would have to ask Sergeant Watts that</p>

<p style="text-align: right;">Page 174</p> <p>1 question. I don't know his pattern or what he would do 2 on a premise check. 3 Q Okay. And did you usually wear plain clothes 4 or a uniform at Ida B. Wells? 5 A That depends on that day, but majority of the 6 time it was plain clothes. 7 Q Okay. And when you're in plain clothes, are 8 you also wearing a badge? 9 A Yes. I had a badge showing. 10 Q Okay. And where was it showing? 11 A Affixed to my -- at that time, I don't recall 12 if I was wearing it around my neck or it was affixed to 13 my bulletproof vest. 14 Q Okay. And was there anything else that would 15 show your badge number that you'd be wearing? 16 A Other than those two incidents? 17 Q Yeah. 18 A No. 19 MR. HILKE: Okay. That's all I have before I 20 turn to disciplinary complaints. So, I think I'm 21 going to turn it over to Joel now to finish up with 22 the individual cases. 23 MR. FLAXMAN: Bill, is that still your 24 preference or do you want us to start up again 25 tomorrow?</p>	<p style="text-align: right;">Page 176</p> <p>1 Q Okay. That we've been going all day, but 2 there's no reason that you can't answer my questions the 3 same way you've answered the other ones, right? 4 A That's correct. 5 Q Okay. One thing you talked about with the 6 other attorney was your promotion to detective. Do you 7 remember that? 8 A Yes, sir. 9 Q Okay. And did you say, when you started at 10 the academy for detective? 11 A I don't remember the exact date when I 12 started, when I went to the academy, what -- 13 Q What year was it? 14 A It was -- I believe it was 2020, if I'm not 15 mistaken. 16 Q Okay. Had you tested for detective before 17 this time? 18 A No, this was the first time I tested. 19 Q Okay. Had you taken any other promotional 20 exams before this one? 21 A I have. 22 Q Okay. And you never made it for promotion 23 before? 24 A No, sir. Okay. My first promotion. 25 Q Why'd you decide -- I'm sorry, go ahead.</p>
<p style="text-align: right;">Page 175</p> <p>1 MR. BAZAREK: It'll be a little easier for me 2 if I started fresh in the morning. 3 MR. KOSOKO: Yeah, that's fine. Yeah. 4 THE WITNESS: We're good. I'm good. 5 MR. KOSOKO: Well, you know what? Hey guys, 6 hold on a minute. Just give -- let's go off the 7 record for a couple minutes. Okay? 8 MR. HILKE: Great. 9 COURT REPORTER: Okay. We're going off the 10 record. The time is 3:52 p.m. 11 (OFF THE RECORD) 12 COURT REPORTER: Okay. We're back on the 13 record for of the deposition of Douglas Nichols. My 14 name is Jesse Harp. Today is the 18th day of April 15 2022, and the current time is 4:00 p.m. 16 CROSS EXAMINATION 17 BY MR. FLAXMAN: 18 Q All right. Detective Nichols, my name's Joel 19 Flaxman. Can you hear me? 20 A Yes, sir. Yes, sir. 21 Q Okay. I represent some of the other 22 plaintiffs in this case. I'm going to ask you questions 23 about just a handful of cases. Are you prepared for 24 that? 25 A Yes, sir.</p>	<p style="text-align: right;">Page 177</p> <p>1 A First promotion. 2 Q Okay. Why'd you decide to test for detective? 3 A Just to further my career. Thought it would 4 be interesting. And I wanted to further my career in 5 the police department. 6 Q Were you one of the older people in the 7 academy? 8 A During the detective class? 9 Q During your training, yeah. 10 A No, I wouldn't say I was the oldest. No. 11 Q Okay. All right. Well, let me ask you about 12 some exhibits. The first set is for Plaintiff Bonner, 13 and I have one marked Plaintiff Bonner, Exhibit 1. Let 14 me know when you're looking at that. 15 (PLAINTIFF BONNER EXHIBIT 1 MARKED FOR 16 IDENTIFICATION) 17 A Is it a vice case report? 18 Q Yes. 19 A Yes, sir. 20 Q Okay. So, are you looking at a vice case 21 report dated March 28, 2007, for two offenders, Frank 22 Saunders, and Catrina Bonner? 23 A That's correct. 24 Q Okay. Do you have any recollection of Catrina 25 Bonner?</p>

<p style="text-align: right;">Page 178</p> <p>1 A No, I don't.</p> <p>2 Q Okay. And do you have any recollection of the</p> <p>3 incident described in this vice case report? Take a</p> <p>4 minute to look it over if you want.</p> <p>5 A Yes, sir. Okay.</p> <p>6 Q And you've had a chance to look over at the</p> <p>7 vice case report marked as Plaintiff Bonner, Exhibit 1?</p> <p>8 A That's correct.</p> <p>9 Q Okay. And do you have any recollection of the</p> <p>10 incident described in the narrative on this report?</p> <p>11 A I don't.</p> <p>12 Q Okay. I -- the report on the second page says</p> <p>13 that offender two dropped, who is a known offender, and</p> <p>14 then it gives the name Bonner, Catrina. Is that a phrase</p> <p>15 that you ever used when you wrote reports, known</p> <p>16 offender?</p> <p>17 A I believe I used it before, yes.</p> <p>18 Q Okay. And what did you mean when you used it?</p> <p>19 A That I knew that who the offender was.</p> <p>20 Q Well -- and did you just mean you knew the</p> <p>21 person's name, or did you mean that you knew they had</p> <p>22 committed crimes in the past?</p> <p>23 A I don't understand your question.</p> <p>24 Q Sure. I believe what you said is that when</p> <p>25 you used that phrase, you meant that you knew who the</p>	<p style="text-align: right;">Page 180</p> <p>1 A No, not me personally. No.</p> <p>2 Q Okay. All right. Just when you looked</p> <p>3 through this vice case report, did you see your name on</p> <p>4 it?</p> <p>5 A I did not.</p> <p>6 Q Okay. Let ask you to look at what's marked</p> <p>7 Plaintiff Bonner, Exhibit 4, please? And that's the</p> <p>8 arrest report of Frank Saunders.</p> <p>9 (PLAINTIFF BONNER EXHIBIT 4 MARKED FOR</p> <p>10 IDENTIFICATION)</p> <p>11 A Yes, sir.</p> <p>12 Q Okay. And are you looking at Exhibit 4, which</p> <p>13 is an arrest report of Frank Saunders, dated March 28,</p> <p>14 2007?</p> <p>15 A That's correct.</p> <p>16 Q Okay. Does that describe the same incident</p> <p>17 that was described in the vice case report? Exhibit</p> <p>18 number 1?</p> <p>19 A I would have to read it over and make sure.</p> <p>20 Q Okay. Please let me know when you've done</p> <p>21 that.</p> <p>22 MR. BAZAREK: I'll also note that this exhibit</p> <p>23 was previously marked as Exhibit number 37 during</p> <p>24 the deposition of Officer Nichols on</p> <p>25 December 19, 2019.</p>
<p style="text-align: right;">Page 179</p> <p>1 offender was. Is that right?</p> <p>2 A Yes, I believe so.</p> <p>3 Q Okay. If the -- an offender means the person</p> <p>4 described in the report, right?</p> <p>5 A That's correct.</p> <p>6 Q Okay. If this was the first time somebody was</p> <p>7 being arrested, would you describe them as an offender?</p> <p>8 A Depends on what they did. If they'd committed</p> <p>9 a crime, yes, I would 100 percent say they were an</p> <p>10 offender.</p> <p>11 Q Sure. Okay. And I'm just trying to</p> <p>12 understand, would you have ever used the words known</p> <p>13 offender to mean that you knew somebody had offended in</p> <p>14 the past, or was it only about describing them that you</p> <p>15 knew them on the day the report was described?</p> <p>16 A Are you asking about me or with this report?</p> <p>17 Q I'm only asking about you. I'm not expecting</p> <p>18 you to understand what this report -- exactly with this</p> <p>19 one.</p> <p>20 A I would probably word it as of they would</p> <p>21 commit a crime and I would know who the offender and I</p> <p>22 would put a known offender.</p> <p>23 Q But you wouldn't use it -- you, personally,</p> <p>24 wouldn't use the phrase known offender to mean that you</p> <p>25 knew the person had been an offender in the past?</p>	<p style="text-align: right;">Page 181</p> <p>1 A Yes, sir.</p> <p>2 Q You've had a chance to look at the arrest</p> <p>3 report marked as Plaintiff Bonner, Exhibit 4?</p> <p>4 A Bonner or Saunders?</p> <p>5 Q It's the arrest report of Mr. Saunders. At</p> <p>6 the top of the page, it's marked as Plaintiff Bonner,</p> <p>7 Exhibit 4. Do you see that?</p> <p>8 A Yes. Yes, sir. Yes, sir.</p> <p>9 Q And you've had a chance to review that</p> <p>10 document?</p> <p>11 A Yes, sir.</p> <p>12 Q Okay. Because that described the arrest of</p> <p>13 Mr. Saunders. That's also described in the vice case</p> <p>14 report that was marked as Plaintiff Bonner, Exhibit 1.</p> <p>15 A Yes, sir.</p> <p>16 Q Okay. And did you see your name in the arrest</p> <p>17 report of Mr. Saunders?</p> <p>18 A I did.</p> <p>19 Q Okay. And where was your name?</p> <p>20 A I was attesting officer and then I was an</p> <p>21 assisting officer.</p> <p>22 Q And what does it mean to be the attesting</p> <p>23 officer?</p> <p>24 A Attesting officers, you're a PC that you log</p> <p>25 into the system, and you submit the case report.</p>

<p style="text-align: right;">Page 182</p> <p>1 Q Okay. And --</p> <p>2 A And you're attesting to the facts of the</p> <p>3 crime.</p> <p>4 Q Meaning at the -- at the time that you</p> <p>5 submitted this report, you had personal knowledge about</p> <p>6 the facts described in the report.</p> <p>7 A Yes, I had knowledge.</p> <p>8 Q And you swore to the truth of those, the facts</p> <p>9 stated in the report, right?</p> <p>10 A That's correct.</p> <p>11 Q And you also told me you were listed as an</p> <p>12 assisting arresting officer. Is that on page five of</p> <p>13 the report?</p> <p>14 A Yes, sir.</p> <p>15 Q Do you know what you did to be listed as an</p> <p>16 assisting arresting officer in this report?</p> <p>17 A Well, I know I did some of the -- I had logged</p> <p>18 into the system for attesting officer to generate this</p> <p>19 report, but other than that, my whole involvement? No.</p> <p>20 Q Okay. And do you take the -- I'm sorry. And</p> <p>21 the report doesn't state exactly what your involvement</p> <p>22 was, as an assisting arresting officer, correct?</p> <p>23 A Not that I saw, no.</p> <p>24 Q Okay. If you look back to page four, at the</p> <p>25 top that says arrest processing report? Are you looking</p>	<p style="text-align: right;">Page 184</p> <p>1 Q Okay. Was it typical for the first arresting</p> <p>2 officer to write the narrative?</p> <p>3 A Not necessarily, no.</p> <p>4 Q Okay. Was there ever a practice of putting in</p> <p>5 the report who the officer was, who wrote the narrative?</p> <p>6 A Could you repeat that question?</p> <p>7 Q Sure. Were you ever aware of a practice of</p> <p>8 writing down somewhere, which officer was the one who</p> <p>9 wrote the narrative section?</p> <p>10 A Not that I'm aware of, no.</p> <p>11 Q Okay. Was it unusual for the first arresting</p> <p>12 officer and the attesting officer to be different</p> <p>13 officers?</p> <p>14 MR. BAZAREK: I object to the form of the</p> <p>15 question.</p> <p>16 A Could you repeat that one more time?</p> <p>17 Q Was it unusual for the first arresting officer</p> <p>18 and the attesting officer to be different officers?</p> <p>19 A I wouldn't say unusual. It does happened</p> <p>20 before, yes.</p> <p>21 Q Was it more common for the attesting and the</p> <p>22 first arresting officer to be the same?</p> <p>23 A I would say it would be more fair to say that</p> <p>24 was basically the same one, the first arresting officer</p> <p>25 and the attesting officer. Yes. But there's</p>
<p style="text-align: right;">Page 183</p> <p>1 at page four?</p> <p>2 A I am, sir.</p> <p>3 Q Okay. And on the right side, there's a</p> <p>4 section for transport details. Do you see that?</p> <p>5 A Yes, sir.</p> <p>6 Q Okay. And it lists a 264 C for transport</p> <p>7 details?</p> <p>8 A Yes, sir.</p> <p>9 Q Was that your beat on this day, March 28,</p> <p>10 2007?</p> <p>11 A Yes, it was. I believe so. It was.</p> <p>12 Q Okay. Do you take that to mean that you were</p> <p>13 involved in transporting Mr. Saunders?</p> <p>14 A Yes, I -- yes.</p> <p>15 Q Go going back to page three where you're</p> <p>16 listed as the attesting officer. Let me know when</p> <p>17 you're looking at that.</p> <p>18 A I am, sir.</p> <p>19 Q Okay. And that lists Officer Mohammed as the</p> <p>20 first arresting officer and Officer Lewis as the second</p> <p>21 arresting. Is that right?</p> <p>22 A That's correct.</p> <p>23 Q Okay. Can you tell from this report, which</p> <p>24 officer wrote the narrative?</p> <p>25 A I don't know. I don't recall.</p>	<p style="text-align: right;">Page 185</p> <p>1 circumstances that otherwise shows different.</p> <p>2 Q Okay. Could you look at just the first page</p> <p>3 of Plaintiff Bonner, exhibit 2?</p> <p>4 (PLAINTIFF BONNER EXHIBIT 2 MARKED FOR</p> <p>5 IDENTIFICATION)</p> <p>6 A We're looking at the arrest reports, though?</p> <p>7 MR. BAZAREK: Yeah.</p> <p>8 Q So Plaintiff Bonner, exhibit 2, is in arrest</p> <p>9 report of Catrina Bonner. And I'm just --</p> <p>10 A Yeah.</p> <p>11 Q -- going to ask you about the first page. Let</p> <p>12 me know when you're looking at it.</p> <p>13 A I'm looking at it.</p> <p>14 Q Okay. And is that a arrest report of Catrina</p> <p>15 Bonner dated June 14, 2007?</p> <p>16 A Yes, sir.</p> <p>17 Q Okay. And is there a mug shot on that picture</p> <p>18 -- on that arrest report?</p> <p>19 A Yes, sir.</p> <p>20 Q Okay. Any -- do you recognize the woman</p> <p>21 pictured in the mugshot?</p> <p>22 A No, sir.</p> <p>23 Q Okay. If you look quickly at Exhibit number</p> <p>24 3, which is a prisoner transportation transmittal, let</p> <p>25 me know if you see a bigger image of that same mugshot.</p>

<p style="text-align: right;">Page 186</p> <p>1 (PLAINTIFF BONNER EXHIBIT 3 MARKED FOR 2 IDENTIFICATION) 3 A I do. 4 Q Okay. Does looking at that help you remember 5 Catrina Bonner? 6 A No, sir. 7 Q Okay. After looking at all these documents, 8 are you still unable to recall this incident involving 9 Ms. Bonner and Frank Saunders on March 28, 2007? 10 A That's correct. 11 Q Okay. And is it correct that you do not have 12 any personal knowledge of the incident involving Catrina 13 Bonner and Frank Saunders on March 28th, 2007? 14 A That's correct. I don't have personal 15 knowledge. 16 Q Okay. You can put the Bonner exhibit aside. I 17 next want to ask you about Jermaine Coleman and Jabal 18 Stokes. Do you remember either of those names? 19 A Not off-hand, no. 20 Q Okay. Can you please look at what's marked as 21 Plaintiff Coleman, Exhibit 1? 22 (PLAINTIFF COLEMAN EXHIBIT 1 MARKED FOR 23 IDENTIFICATION) 24 A Yes, sir. 25 Q Do you recognize that as an arrest report of</p>	<p style="text-align: right;">Page 188</p> <p>1 A Yes, sir. All right. 2 Q Did looking at the two arrest reports and the 3 vice case report help you remember the arrests of 4 Jermaine Coleman and Jabal Stokes on May 3, 2006? 5 A No, sir. 6 Q Okay. And did you see that you're listed on 7 the arrest reports as an assisting arresting officer? 8 A I did. 9 Q And that's on the arrest report for Stokes and 10 for Coleman, correct? 11 A Yes, sir. 12 Q Do you know what you did to be listed as an 13 assisting arresting officer on these two reports? 14 A I don't recall. 15 Q Okay. And the reports don't say, correct? 16 A Not that I read. No. 17 Q And going to Coleman, Exhibit 3, the vice case 18 report, did you see your name on that report? 19 A Yes, sir. 20 Q Okay. And where were you listed on the vice 21 case report? 22 A The victim's complainant, box 12. 23 Q And what's your understanding of what it means 24 to be in that section? 25 A That I was one of the assisting officers.</p>
<p style="text-align: right;">Page 187</p> <p>1 Jermaine Coleman dated May 3, 2006? 2 A May 3rd – yes, sir. 3 Q And – all right, it might be easier for me to 4 just ask you to look at these all together at the same 5 time. The next one, could you please look at Plaintiff 6 Coleman, Exhibit 2? Do you recognize that? Oh, I'm 7 sorry. Let me know when you have it. 8 (PLAINTIFF COLEMAN EXHIBIT 2 MARKED FOR 9 IDENTIFICATION) 10 A Which one is it? 11 Q That should be the arrest report of Jabal 12 Stokes. 13 A Jabal Stokes. Yep. 14 Q Okay. So, you have that arrest report in 15 front of you, too? 16 A Yes, sir. 17 Q Okay. And the last one is Plaintiff Coleman, 18 Exhibit 3, which should be the vice case report? 19 (PLAINTIFF COLEMAN EXHIBIT 3 MARKED FOR 20 IDENTIFICATION) 21 A Yes, sir. 22 Q Okay. And what I'm going to do is ask you to 23 look at these and please know if they help you remember 24 these arrests on May 3, 2006. So please me know when 25 you've finished looking them over, okay?</p>	<p style="text-align: right;">Page 189</p> <p>1 Q And do you know what you did to be an 2 assisting officer? 3 A I don't. 4 Q Okay. And does the report state what you did 5 to be an assisting officer? 6 A No. 7 Q All right. Can I ask you to look at Plaintiff 8 Coleman, Exhibit 4, please? 9 (PLAINTIFF COLEMAN EXHIBIT 4 MARKED FOR 10 IDENTIFICATION) 11 A Four. Yes, sir. 12 Q Okay. Is that a mugshot on the top that says 13 Coleman, Jermaine? 14 A Yes, it does. 15 Q Okay. Does that picture refresh your 16 recollection about Mr. Coleman? 17 A Picture kind of looks familiar, but it doesn't 18 recollect the arrest, no. 19 Q Okay. And how about – can you please look at 20 Exhibit 5? And - 21 (PLAINTIFF COLEMAN EXHIBIT 5 MARKED FOR 22 IDENTIFICATION) 23 A Yes, sir. I'm looking at mugshot. 24 Q Is – are you looking at the mugshot that says 25 Stokes, Jabal at the top?</p>

<p style="text-align: right;">Page 190</p> <p>1 A Yes, sir.</p> <p>2 Q Okay. And does looking at that help you</p> <p>3 remember Jabal Stokes?</p> <p>4 A No. It does not.</p> <p>5 Q How having looked at these documents, are you</p> <p>6 still unable to recall the arrests of Jermaine Coleman</p> <p>7 and Jabal Stokes on May 3, 2006?</p> <p>8 A That's correct.</p> <p>9 Q And is it correct that you do not have</p> <p>10 personal knowledge about the arrests of Jermaine Coleman</p> <p>11 and Jabal Stokes on May 3, 2006?</p> <p>12 A That's correct.</p> <p>13 Q Okay. All right. I want to next ask you</p> <p>14 about Rickey Henderson. Do you recall Rickey Henderson?</p> <p>15 A I don't, sir.</p> <p>16 Q Okay. Do you recall the baseball player named</p> <p>17 Rickey Henderson?</p> <p>18 A I do. He was a good -- he stole a lot of</p> <p>19 bases.</p> <p>20 Q Yeah. That's what -- well, okay. But where</p> <p>21 -- he didn't live in Chicago, as far as I know.</p> <p>22 A Got me.</p> <p>23 Q Let me ask you about to look at Plaintiff</p> <p>24 Henderson, Exhibit 1, which should be an arrest report</p> <p>25 of Rickey Henderson.</p>	<p style="text-align: right;">Page 192</p> <p>1 Q Do you know what you did to be an assisting</p> <p>2 officer?</p> <p>3 A I do not.</p> <p>4 Q Okay. And the reports don't say it, correct?</p> <p>5 A It does not.</p> <p>6 Q Okay. If you could look at Plaintiff</p> <p>7 Henderson, Exhibit 3, please?</p> <p>8 (PLAINTIFF HENDERSON EXHIBIT 3 MARKED FOR</p> <p>9 IDENTIFICATION)</p> <p>10 A Yes, sir.</p> <p>11 Q Is that a mugshot?</p> <p>12 A Yes, sir.</p> <p>13 Q Okay. And does that help you remember</p> <p>14 Mr. Henderson?</p> <p>15 A Face looks familiar to me. Quite -- doesn't</p> <p>16 recollect the arrest, no.</p> <p>17 Q All right. Having looked at these three</p> <p>18 exhibits, are you still unable to remember the arrest of</p> <p>19 Rickey Henderson on March 12, 2005?</p> <p>20 A That's correct. I don't remember the arrest.</p> <p>21 Q Is it correct that you do not have personal</p> <p>22 knowledge of the arrest of Ricky Henderson on</p> <p>23 March 12, 2005?</p> <p>24 A That's correct.</p> <p>25 Q Can you please look at Plaintiff Henderson,</p>
<p style="text-align: right;">Page 191</p> <p>1 (PLAINTIFF HENDERSON EXHIBIT 1 MARKED FOR</p> <p>2 IDENTIFICATION)</p> <p>3 A Yes, sir.</p> <p>4 Q Do you have that in front of you?</p> <p>5 A Yes, exhibit one.</p> <p>6 Q Okay. And that's the arrest report of Rickey</p> <p>7 O. Henderson, dated March 12, 2005?</p> <p>8 A That's correct.</p> <p>9 Q All right. And -- can you look, please, at</p> <p>10 Plaintiff Henderson, Exhibit 2? Should be the vice case</p> <p>11 report. The same date.</p> <p>12 (PLAINTIFF HENDERSON EXHIBIT 2 MARKED FOR</p> <p>13 IDENTIFICATION)</p> <p>14 A Yes, sir.</p> <p>15 Q All right. Could you please take a look at</p> <p>16 those and let me know if they help you remember this</p> <p>17 arrest?</p> <p>18 A Yes, sir.</p> <p>19 Q Does reviewing the arrest report and the vice</p> <p>20 case report help you remember this arrest of Mr.</p> <p>21 Henderson on March 12, 2005?</p> <p>22 A It does not.</p> <p>23 Q Okay. And did you see that you're listed as</p> <p>24 an assisting officer on both reports?</p> <p>25 A Yes, sir.</p>	<p style="text-align: right;">Page 193</p> <p>1 Exhibit 4?</p> <p>2 (PLAINTIFF HENDERSON EXHIBIT 4 MARKED FOR</p> <p>3 IDENTIFICATION)</p> <p>4 A Yes, sir.</p> <p>5 Q Is that the arrest report of Ricky Henderson,</p> <p>6 dated July 22, 2006?</p> <p>7 A It is.</p> <p>8 Q Can you also look at Plaintiff Henderson,</p> <p>9 Exhibit 5, please?</p> <p>10 (PLAINTIFF HENDERSON EXHIBIT 5 MARKED FOR</p> <p>11 IDENTIFICATION)</p> <p>12 A Is that the vice case report?</p> <p>13 Q Is that -- are you looking at the vice case</p> <p>14 report dated July 22, 2006?</p> <p>15 A That's correct.</p> <p>16 Q And can you also look at the exhibit marked</p> <p>17 Plaintiff Henderson Exhibit 6? And that should be four</p> <p>18 pictures of mugshots. Do you have that?</p> <p>19 (PLAINTIFF HENDERSON EXHIBIT 6 MARKED FOR</p> <p>20 IDENTIFICATION)</p> <p>21 A Yes, sir.</p> <p>22 Q Okay. Could you please take a minute to look</p> <p>23 over the reports? I guess the -- let me ask you the</p> <p>24 foundational question first. Do you recall the arrest</p> <p>25 of Mr. Henderson on July 22, 2006?</p>

<p style="text-align: right;">Page 194</p> <p>1 A I don't.</p> <p>2 Q Okay. Could you please take a look at the</p> <p>3 reports to see if they help you remember this arrest,</p> <p>4 and let me know when you finished looking them over?</p> <p>5 A Yes, sir.</p> <p>6 Q You've had a chance to look over the vice case</p> <p>7 report in the arrest report?</p> <p>8 A I did, sir.</p> <p>9 Q Okay. Do those reports help you recall the</p> <p>10 arrest of Ricky Henderson on July 22, 2006?</p> <p>11 A No, sir.</p> <p>12 Q Is your name listed in the arrest report?</p> <p>13 A In the arrest report? Yes. I'm on page five</p> <p>14 of the arrest report.</p> <p>15 Q And how were you listed there?</p> <p>16 A As an assisting arresting officer?</p> <p>17 Q Do you know what you did to be listed as an</p> <p>18 assisting arresting officer?</p> <p>19 A No. Not by looking at this, no.</p> <p>20 Q The report doesn't say?</p> <p>21 A No, it does not.</p> <p>22 Q Okay. And then moving to the vice case</p> <p>23 report, is your name on that report?</p> <p>24 A It is.</p> <p>25 Q Okay. And how are you listed there?</p>	<p style="text-align: right;">Page 196</p> <p>1 to review a report as an assisting officer?</p> <p>2 A Could you repeat that question?</p> <p>3 Q Can you remember what factors would cause you</p> <p>4 to review a report as an assisting arresting officer?</p> <p>5 A Not to my memory, no.</p> <p>6 Q Are you looking at the vice case report?</p> <p>7 Henderson Exhibit 5?</p> <p>8 A I am.</p> <p>9 Q Okay. Mr. Henderson is listed as the first</p> <p>10 offender. Do you see that?</p> <p>11 A Box eight -- 19?</p> <p>12 Q And then below him, there's another offender.</p> <p>13 Vincent J. Dixon. Do you see that?</p> <p>14 A That's correct.</p> <p>15 Q Do you have any recollection of Vincent J.</p> <p>16 Dixon?</p> <p>17 A I don't.</p> <p>18 Q Below that a third offender is listed. Joel.</p> <p>19 W Jackson, do you see that?</p> <p>20 A I do.</p> <p>21 Q Do you have any recollection of Joel W.</p> <p>22 Jackson?</p> <p>23 A I don't.</p> <p>24 Q This also lists a nickname for Ricky Henderson</p> <p>25 of Red. Do you see that in box 21?</p>
<p style="text-align: right;">Page 195</p> <p>1 A Under box 12 with victim's complainant.</p> <p>2 Q And what does it mean to be listed in that</p> <p>3 section?</p> <p>4 A Excuse me, sir?</p> <p>5 Q What does it mean to be listed in that</p> <p>6 section?</p> <p>7 A It means I probably had some time of</p> <p>8 involvement in the arrest.</p> <p>9 Q Okay. Does the report say what that</p> <p>10 involvement was?</p> <p>11 A No, sir.</p> <p>12 Q Okay. And you don't recall at this time?</p> <p>13 A No, sir.</p> <p>14 Q Was it your practice when you were an</p> <p>15 assisting officer to review the reports before they were</p> <p>16 finalized?</p> <p>17 A Not all the times. No.</p> <p>18 Q Sometimes you would do that?</p> <p>19 A Yes.</p> <p>20 Q How would you determine when, which times you</p> <p>21 would do it?</p> <p>22 A It doesn't have to be when or where, just</p> <p>23 sometimes you do review it, sometimes you don't as an</p> <p>24 assisting officer.</p> <p>25 Q Can you remember what factors would lead you</p>	<p style="text-align: right;">Page 197</p> <p>1 A I do.</p> <p>2 Q Do you have any recollection of somebody with</p> <p>3 the nickname Red?</p> <p>4 A I don't. Can I all verify -- can I verify</p> <p>5 something for you? I think I said my name was in</p> <p>6 box 12.</p> <p>7 Q Oh, okay.</p> <p>8 A It's actually 18 and I think I might have</p> <p>9 mistaken that before when asked me that if I saw my name</p> <p>10 in another one, but it's box 18 on the vice. I was</p> <p>11 looking at box 12.</p> <p>12 Q Okay.</p> <p>13 A I apologize.</p> <p>14 Q Can you -- all right. So your name is here</p> <p>15 under box 18. Is that right?</p> <p>16 A Yes. I believe. Yes, 18.</p> <p>17 Q Okay. And that's where it was on the previous</p> <p>18 vice case report right?</p> <p>19 A Yes. I think I stated box 12 before, too. I'm</p> <p>20 not 100 percent, but</p> <p>21 MR. BAZAREK: That was Coleman Exhibit</p> <p>22 number 3.</p> <p>23 MR. FLAXMAN: Bill, do you want to show him</p> <p>24 that? We can go back to it.</p> <p>25 MR. BAZAREK: Yeah, sure.</p>

<p style="text-align: right;">Page 198</p> <p>1 A Yeah. Box 18 and I might have said I was in 2 box 12. 3 BY MR. FLAXMAN: 4 Q And you're looking now at Plaintiff Coleman 5 Exhibit 3? 6 A Yes. From the May 3, 2006. 7 Q All right. What's your understanding of which 8 officer's name goes in box 12? 9 A The first arresting officer. 10 Q And looking at plaintiff Coleman Exhibit 3 in 11 exhibit -- excuse me. Looking at Plaintiff Coleman 12 Exhibit 3 in box 18, witness is checked. Do you see 13 that? 14 A I do. 15 Q Do you take that to mean that you and the 16 other officers listed there were witnesses to the events 17 described in this report? 18 A No, not that I -- no. 19 Q Okay. Going back please. To Plaintiff 20 Henderson Exhibit 5, can you let me know when you're 21 looking at that? 22 A Yes, sir. 23 Q And in this one, as we just corrected, you're 24 also listed in box 18, right? 25 A That's correct.</p>	<p style="text-align: right;">Page 200</p> <p>1 Q So having looked at all of this, you can't 2 remember the arrest of Ricky Henderson on July 22, 2006, 3 correct? 4 A That's correct. 5 Q And is it correct that you do not have 6 personal knowledge of the arrest of Ricky Henderson on 7 July 22, 2006? 8 A No. Other than the reports, no. 9 Q All right. The last name I want to ask you 10 about is Trinere Johnson. Do you remember Trenire 11 Johnson? 12 A No, I don't. It's not ringing a -- no, I 13 don't. 14 Q Okay. Can I ask you please to look at 15 Plaintiff Johnson Exhibit 1? 16 (PLAINTIFF JOHNSON EXHIBIT 1 MARKED FOR 17 IDENTIFICATION) 18 A Yes, sir. 19 Q Is that the arrest report of Trinere Johnson? 20 A On March 3, 2008? 21 Q Yes. Is that what you're looking at? 22 A Yes, sir. 23 Q Okay. And there's a picture of Ms. Johnson on 24 the first page to see that? 25 A Yes, sir.</p>
<p style="text-align: right;">Page 199</p> <p>1 Q And you take that to mean that you were an 2 assisting officer in some way, correct? 3 A That's correct. 4 Q The second offender, Vincent J. Dixon. Do you 5 see his name? 6 A Yes. 7 Q He also has a nickname of LQ. Do you see 8 that? 9 A Yes. It looks like an O, but it might be -- 10 Q I'm sorry? 11 A Yes, it looks LO to me, but -- 12 Q You may be right. I'm sorry about that. Do 13 you have any recollection of somebody with the nickname 14 LO? 15 A No. 16 Q And what about LQ in case I'm right? 17 A No. 18 Q Okay. All right. Can you -- you also looked 19 at Plaintiff Henderson, Exhibit 6, the mugshot; is that 20 right? 21 A That's correct. 22 Q And that didn't help you remember Mr. 23 Henderson? 24 A His face looks familiar, but doesn't recollect 25 from the rest, no.</p>	<p style="text-align: right;">Page 201</p> <p>1 Q Okay. Does looking at that picture help you 2 member Ms. Johnson? 3 A No, it does not. 4 Q Let me ask you, please, also to look at 5 Plaintiff Johnson Exhibit 2. 6 (PLAINTIFF JOHNSON EXHIBIT 2 MARKED FOR 7 IDENTIFICATION) 8 A Yes, sir. 9 Q Are you looking at that the vice case report 10 with two offenders listed? Damell Trabeck as number 11 one and Trinere Johnson is the second offender? 12 A That's correct. 13 Q And that's also dated March 3, 2008? 14 A That's correct. 15 Q Do you have any recollection of Damell 16 Trabeck? 17 A No, I don't. 18 Q Okay. Can you please take a look at these? 19 Oh, I'm sorry. We also have Exhibit 3, which is the 20 arrest report of Mr. Trabeck. Can you look at that 21 please? 22 (PLAINTIFF JOHNSON EXHIBIT 3 MARKED FOR 23 IDENTIFICATION) 24 A Yes, sir. 25 Q And that's also from the same date of</p>

<p style="text-align: right;">Page 202</p> <p>1 March 3, 2008, correct?</p> <p>2 A That's correct.</p> <p>3 Q Can you please look at these three reports,</p> <p>4 the two arrests and the vice case report and let me know</p> <p>5 if they help you remember this arrest on March 3, 2008?</p> <p>6 And just know when you're done please.</p> <p>7 MR. BAZAREK: Just so we have a clear record.</p> <p>8 Plaintiff Johnson Exhibit 2 is also marked at the</p> <p>9 December 20, 2019, deposition of Officer Nichols and</p> <p>10 it was marked as Exhibit 53.</p> <p>11 A Okay, sir.</p> <p>12 Q You've looked at the arrest report and the</p> <p>13 vice -- I'm sorry. You've looked at the two arrest</p> <p>14 reports and the vice case report, correct?</p> <p>15 A That's correct.</p> <p>16 Q Okay. Does that help you remember the arrest</p> <p>17 of Trinere Johnson on March 8th?</p> <p>18 A No, it does not.</p> <p>19 Q And the reports list to you as an assisting</p> <p>20 officer on these arrests; is that right? I'm sorry, let</p> <p>21 me say that again. I'm sorry. The vice case report</p> <p>22 lists you as an assisting officer. Is that correct?</p> <p>23 A Or some involvement in the arrest? Yes.</p> <p>24 Q Is it wrong to say that it lists you as an</p> <p>25 assisting officer?</p>	<p style="text-align: right;">Page 204</p> <p>1 Massey.</p> <p>2 Q Okay. Do you have any recollection of John</p> <p>3 Massey?</p> <p>4 A I don't.</p> <p>5 Q Did you see that you're listed as the second</p> <p>6 arresting officer on this report?</p> <p>7 A I am.</p> <p>8 Q And you see that the time of arrest is --</p> <p>9 well, I'm sorry. The arrest date is March 3rd, 2008,</p> <p>10 with the time of 17:20 hours, do you see that?</p> <p>11 A That's correct.</p> <p>12 Q And if you look back at Exhibits 1 to 3, you</p> <p>13 see that's about ten minutes after the arrest time for</p> <p>14 Ms. Johnson and Mr. Trabeck?</p> <p>15 A That's correct.</p> <p>16 Q Can you look now at Plaintiff Johnson</p> <p>17 Exhibit 5? That should be the arrest report of Gregory</p> <p>18 McElrath, M-C-E-L-R-A-T-H.</p> <p>19 A Yes, sir.</p> <p>20 Q Do you have any recollection of Gregory</p> <p>21 McElrath?</p> <p>22 A I don't.</p> <p>23 Q All right. And if you look please at</p> <p>24 Plaintiff Johnson Exhibit 6, that should be a general</p> <p>25 offense case report. Do you have that?</p>
<p style="text-align: right;">Page 203</p> <p>1 A That's correct.</p> <p>2 Q Is there a different term you would use or</p> <p>3 would you describe it --</p> <p>4 A No.</p> <p>5 Q Okay. Do you know what your involvement was</p> <p>6 in the arrest of Ms. Johnson on March 3, 2008?</p> <p>7 A I don't.</p> <p>8 Q Okay. And the report doesn't say, right?</p> <p>9 A No, it does not.</p> <p>10 Q Let me ask you to look, please at Exhibits 4,</p> <p>11 5, and 6, please.</p> <p>12 (PLAINTIFF JOHNSON EXHIBIT 4 MARKED FOR</p> <p>13 IDENTIFICATION)</p> <p>14 (PLAINTIFF JOHNSON EXHIBIT 5 MARKED FOR</p> <p>15 IDENTIFICATION)</p> <p>16 (PLAINTIFF JOHNSON EXHIBIT 6 MARKED FOR</p> <p>17 IDENTIFICATION)</p> <p>18 A Are we still looking at 1, 2, and 3? Hold</p> <p>19 those off too?</p> <p>20 Q We probably will want to look at those again,</p> <p>21 so please don't lose them.</p> <p>22 A Yes, sir.</p> <p>23 Q All right. Is Exhibit 4 in front of you, the</p> <p>24 arrest report of John Massey on March 3, 2008?</p> <p>25 A Yes. I'm looking at the arrest report of John</p>	<p style="text-align: right;">Page 205</p> <p>1 A I do.</p> <p>2 Q And that's for the arrests of these two</p> <p>3 gentlemen, Mr. Massey and Mr. McElrath; is that right?</p> <p>4 A That's correct.</p> <p>5 Q Right. Can I please ask you to look over</p> <p>6 Exhibits 4, 5, and 6 to see if they help you remember</p> <p>7 these two arrests and let us know when you're finished</p> <p>8 with that?</p> <p>9 A Yes, sir.</p> <p>10 MR. BAZAREK: I want to note to that Plaintiff</p> <p>11 Johnson's Exhibit 6 was previously marked as Exhibit</p> <p>12 number 54 during Officer Nichols' December 20, 2019</p> <p>13 deposition.</p> <p>14 A Okay, sir.</p> <p>15 Q You've reviewed Exhibits 4, 5, and 6. Is that</p> <p>16 right?</p> <p>17 A I did.</p> <p>18 Q Okay. Did they help you remember the arrests</p> <p>19 of Mr. McElrath and Mr. Massey?</p> <p>20 A No, sir.</p> <p>21 Q All right. Let me ask you a couple questions</p> <p>22 about the general offense case report, which is number</p> <p>23 6. Let me know when you're looking at that.</p> <p>24 A Yes, sir.</p> <p>25 Q The narrative section begins "in summary this</p>

<p style="text-align: right;">Page 206</p> <p>1 is a pod related mission under pod number 57." Do you 2 see that? 3 A Yes, sir. 4 Q Do you know what a pod related mission is? 5 A A pod related mission is one of those very 6 fixed to a street pole, the blue light flashing, those 7 are called pods and they usually have a unique number 8 association with them. 9 Q Are those video cameras? 10 A You could either log into the computer at the 11 station or there's a box thing that you can actually 12 take out from the watch commander's office and watch the 13 video of it, a live video. 14 Q It's your understanding that number 57 was one 15 of these pods somewhere out in the field? 16 A By looking at this report? Yes. 17 Q Okay. Do you know who would've seen something 18 on that to start this pod related mission? 19 A I don't remember the rest. I don't recall. 20 Q Okay. Were there ever instances where you 21 would look at video from pod cameras when you were at 22 the station? 23 A I have before, yes. 24 Q Would you do that on a regular basis or was it 25 something that you were told to do for special times?</p>	<p style="text-align: right;">Page 208</p> <p>1 A No, sir. 2 Q Do you know who signed your name? 3 A I don't. 4 Q Would you expect that it was Officer Leano? 5 A I don't know, sir. 6 Q Right. Do you know why somebody signed your 7 name on this report? 8 A I would give them permission to sign my name 9 on this report. 10 Q And how do you know that you gave somebody 11 permission to sign your name? 12 A Because every time I would give -- anytime 13 that someone signed my name, I would give permission to 14 sign my name. 15 Q Is it possible if someone signed your name 16 without you giving them permission? 17 A No, sir. No, not at all. Because I would 18 look at the report too, just to make sure it was 19 accurate. 20 Q So any time report had your signature on it, 21 you would've reviewed it? 22 A Yes. And other times when I'm not even 23 signing it I do sometimes review it too. 24 Q Okay. I'm sorry, that was not the right 25 question. I meant anytime somebody signed your name,</p>
<p style="text-align: right;">Page 207</p> <p>1 A It's not a specific time. No, I wouldn't say 2 a specific time, or I was told I looked at cameras 3 before. 4 Q Okay. And I think you said that there was 5 also some kind of box you could use in the field to see 6 what was on the cameras? 7 A There is, you had to sign out from the watch 8 commander's office. 9 Q Do you know what time frame that became 10 available? 11 A I don't. 12 Q Okay. Do you know if that was available in 13 2008? 14 A I don't. I don't recall. 15 Q Okay. On the bottom of the general offense 16 case report, your name is listed as a reporting office 17 and Officer Leano listed above your name, right? 18 A That's correct. 19 Q Would you consider Officer Leano the first 20 recording officer on this report? 21 A Yes. 22 Q And you were the second reporting officer? 23 A That's correct. 24 Q Is that your signature to the right of your 25 name?</p>	<p style="text-align: right;">Page 209</p> <p>1 you would've reviewed the report, is that correct? 2 A Yes, sir. 3 Q Okay. Why wouldn't you just sign your name if 4 you reviewed it? 5 A Because I don't -- I don't know. Maybe they 6 signed it after. I can't answer that question. I don't 7 know. 8 Q Sure. Were there times where you signed 9 another officer's name? 10 A I have, yes. 11 Q Okay. And did you always have permission to 12 sign their name? 13 A Yes, that's correct. 14 Q Okay. Is that something that you would get 15 every single time you signed the name or was it a 16 generally understood that you could sign for your team 17 members? 18 A No. I would ask permission before I sign the 19 another officer's name. 20 Q Would you show the report to the officer 21 before you signed it? 22 A They would read the report, yes. To make sure 23 it was correct and accurate. 24 Q So every time you signed another officer's 25 name, that officer had reviewed the report?</p>

<p style="text-align: right;">Page 210</p> <p>1 A Yes.</p> <p>2 Q Why wouldn't you just have the officer sign it</p> <p>3 when the officer reviewed it?</p> <p>4 MR. BAZAREK: Objection. Asked and answered.</p> <p>5 A Like I stated before, I don't recall this</p> <p>6 report and I don't know why I signed it at that time or</p> <p>7 didn't sign it at that time.</p> <p>8 Q Okay. I'm sorry. I meant to ask about the</p> <p>9 practice when you were the one who was signing another</p> <p>10 officer's name. Was it your testimony that every time</p> <p>11 you signed another officer's name, you did it after the</p> <p>12 officer had reviewed the report?</p> <p>13 A That's correct.</p> <p>14 Q Why would you then sign the name? Why</p> <p>15 wouldn't you just have that officer sign it after the</p> <p>16 officer reviewed the report?</p> <p>17 A I don't -- I don't recall. I don't know. I</p> <p>18 don't know. I couldn't answer that.</p> <p>19 Q All right. Having looked at these reports</p> <p>20 about Mr. McElrath and Mr. Massey, you're still unable</p> <p>21 to recall the arrest of those two people on</p> <p>22 March 3, 2008?</p> <p>23 A That's correct.</p> <p>24 Q Is it correct that you don't have any personal</p> <p>25 knowledge of the arrests of Mr. McElrath and Mr. Massey</p>	<p style="text-align: right;">Page 212</p> <p>1 A That's correct.</p> <p>2 Q Right. Exhibit number 8 is the vice case</p> <p>3 report for the arrest of Angelo Shenault on</p> <p>4 March 3, 2008. Do you have that?</p> <p>5 A Yes, sir.</p> <p>6 Q Are you listed as the first arrest -- first</p> <p>7 reporting officer on the vice case report?</p> <p>8 A I am.</p> <p>9 Q Okay. Is that your signature under your name?</p> <p>10 A It is not.</p> <p>11 Q Okay. Do you know who signed it?</p> <p>12 A I don't.</p> <p>13 Q But whoever did it, would've done it after you</p> <p>14 reviewed the report, correct?</p> <p>15 A That's correct.</p> <p>16 Q And then -- all right, well, can you just take</p> <p>17 a moment to look over Exhibits 7 and 8, see if they help</p> <p>18 you remember the arrest of Angelo Shenault on</p> <p>19 March 3, 2008?</p> <p>20 MR. BAZAREK: As Officer Nichols is reviewing</p> <p>21 it, so we have a clear record, Plaintiff Johnson's</p> <p>22 Exhibit 7 was previously marked as Exhibit 51 during</p> <p>23 the December 20, 2019, deposition of Officer</p> <p>24 Nichols. And Plaintiff Johnson's Exhibit 8 was</p> <p>25 previously marked as Exhibit number 52 during the</p>
<p style="text-align: right;">Page 211</p> <p>1 on March 3rd?</p> <p>2 A That's correct. I don't.</p> <p>3 Q Okay. The next Exhibits, Plaintiff Johnson 7</p> <p>4 through 9 are about Angelo Shenault. As I'm sure your</p> <p>5 lawyer's going to point out, you have already given</p> <p>6 testimony about those, so I'm not going to ask you for</p> <p>7 any details except to ask you to do the same thing</p> <p>8 you've done with the others to look them over again and</p> <p>9 see if they help you remember these events of March 3,</p> <p>10 2008. Can you let me know you have exhibits -</p> <p>11 (PLAINTIFF JOHNSON EXHIBIT 7 MARKED FOR</p> <p>12 IDENTIFICATION)</p> <p>13 (PLAINTIFF JOHNSON EXHIBIT 8 MARKED FOR</p> <p>14 IDENTIFICATION)</p> <p>15 (PLAINTIFF JOHNSON EXHIBIT 9 MARKED FOR</p> <p>16 IDENTIFICATION)</p> <p>17 A 7 through 9?</p> <p>18 Q 7 through 9 in front of you?</p> <p>19 A Yes, sir.</p> <p>20 Q Okay. And seven is the arrest report of</p> <p>21 Angelo M. Shenault on March 3, 2008?</p> <p>22 A That's correct.</p> <p>23 Q Okay. On that report, you're listed as the</p> <p>24 first arresting officer and the attesting officer,</p> <p>25 correct?</p>	<p style="text-align: right;">Page 213</p> <p>1 December 20, 2019, deposition of Officer Nichols.</p> <p>2 A Okay, sir.</p> <p>3 Q Do you have any recollection of the arrest of</p> <p>4 Mr. Shenault on March 3, 2008?</p> <p>5 A I don't.</p> <p>6 Q And looking at the reports doesn't help you</p> <p>7 remember it?</p> <p>8 A No, sir.</p> <p>9 Q I'm sorry. Did you also look at Plaintiff</p> <p>10 Johnson Exhibit 9? It's just a bigger picture of the</p> <p>11 mugshot that's on the arrest report.</p> <p>12 A Yes, sir.</p> <p>13 Q Does that help you remember Mr. Shenault?</p> <p>14 A Just by his picture I recognize him, but it</p> <p>15 doesn't recognize -- it does not make me remember the</p> <p>16 arrest report.</p> <p>17 Q All right. Having looked at all of this, I'm</p> <p>18 just going to go back to my original question was having</p> <p>19 looked at all of these arrests on March 3, 2008, you're</p> <p>20 still unable to recall the arrest of Trinere Johnson,</p> <p>21 correct?</p> <p>22 A That's correct.</p> <p>23 Q Okay. And it's still the case that you don't</p> <p>24 have personal knowledge of the arrest of Trinere Johnson</p> <p>25 on March 3, 2008. Is that correct?</p>

<p style="text-align: right;">Page 214</p> <p>1 A That's correct.</p> <p>2 Q I had one more. Let me just go off the record</p> <p>3 for a moment, okay?</p> <p>4 COURT REPORTER: We're going off the record.</p> <p>5 The time is 4:55 p.m.</p> <p>6 (OFF THE RECORD)</p> <p>7 COURT REPORTER: Okay. We're back on the</p> <p>8 record for the deposition of Douglas Nichols. The</p> <p>9 time is 4:55 p.m. and today's date is</p> <p>10 April 18, 2022.</p> <p>11 BY MR. FLAXMAN:</p> <p>12 Q Can I ask you to look at just one other, a</p> <p>13 report about just one more arrest, which is marked as</p> <p>14 Plaintiff Moye Exhibit 1 and I'll ask you to look at</p> <p>15 Moye Exhibits 2 and 3 at the same time. Let me know</p> <p>16 when you have that in front of you.</p> <p>17 (PLAINTIFF MOYE EXHIBIT 1 MARKED FOR</p> <p>18 IDENTIFICATION)</p> <p>19 (PLAINTIFF MOYE EXHIBIT 2 MARKED FOR</p> <p>20 IDENTIFICATION)</p> <p>21 (PLAINTIFF MOYE EXHIBIT 3 MARKED FOR</p> <p>22 IDENTIFICATION)</p> <p>23 A Yes, I have 1, 2, and 3 in front of me.</p> <p>24 Q Okay. Is Exhibit 1, the arrest report of</p> <p>25 Terrence Moye on July 21, 2008?</p>	<p style="text-align: right;">Page 216</p> <p>1 Q I'm sorry to interrupt you.</p> <p>2 A There was a time when it did change, yes, it</p> <p>3 did.</p> <p>4 Q Okay. Do you know when that was?</p> <p>5 A I don't.</p> <p>6 Q All right. And then do you have in front of</p> <p>7 you Exhibit number 3, which is a kind of a blurry</p> <p>8 mugshot of Moye Terrence?</p> <p>9 A Yeah. Blurry mugshot. Yes.</p> <p>10 Q Yeah. And it should be two pages, I think the</p> <p>11 second page is a little more clear.</p> <p>12 A Yes, it is a little more clear.</p> <p>13 Q Do you recognize the person in Exhibit 3?</p> <p>14 A I don't at all, offhand, no.</p> <p>15 Q Okay. Could you just take a look at Exhibits</p> <p>16 1 and 2 and I'm not going to -- I will put on the record</p> <p>17 that I don't see your name in these exhibits, but I want</p> <p>18 to ask you to just look at them and let me know if they</p> <p>19 help you remember anything about this arrest, please.</p> <p>20 A Okay.</p> <p>21 Q All right. You've had a chance to look over</p> <p>22 the arrest report and the original case incident report</p> <p>23 for Mr. Moye?</p> <p>24 A That's correct.</p> <p>25 Q Okay. And do you have any personal knowledge</p>
<p style="text-align: right;">Page 215</p> <p>1 A That's correct.</p> <p>2 Q Okay. Do you have any recollection of</p> <p>3 Terrence Moye?</p> <p>4 A Not that I recall, no.</p> <p>5 Q Okay. And the arrest report gives a nickname</p> <p>6 of T-dog. Do you have any recollection of somebody with</p> <p>7 that nickname?</p> <p>8 A No, sir.</p> <p>9 Q All right. When we took your deposition a</p> <p>10 couple years ago, you testified that you weren't related</p> <p>11 to somebody you worked in the lockup with the same last</p> <p>12 name, Nichols. Are you still not related to that</p> <p>13 person?</p> <p>14 A No, sir.</p> <p>15 Q Okay. Do you see Exhibit 2 is an original</p> <p>16 case incident report for the arrest of Mr. Moye on</p> <p>17 July 21, 2008?</p> <p>18 A That's correct.</p> <p>19 Q And was there a time when you stopped using</p> <p>20 vice case reports and started using original case</p> <p>21 incident reports?</p> <p>22 A I believe there was a time that we started</p> <p>23 using the original case incident reports were on the</p> <p>24 computer instead of the hard copy where we can either</p> <p>25 type or write on them, so there was a time --</p>	<p style="text-align: right;">Page 217</p> <p>1 of this arrest of Mr. Moye on July 21, 2008?</p> <p>2 A No, sir.</p> <p>3 MR. FLAXMAN: Okay. Thank you for taking a</p> <p>4 look at those and thank you for your time today. I</p> <p>5 don't have anything further.</p> <p>6 THE WITNESS: Thank you, sir. You have a good</p> <p>7 one.</p> <p>8 MR. BAZAREK: Okay. So we're --</p> <p>9 COURT REPORTER: We're going off the record?</p> <p>10 Okay. We are going off the record. The time is</p> <p>11 4:59 p.m.</p> <p>12 (DEPOSITION CONCLUDED AT 4:59 P.M.)</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

1 CERTIFICATE OF REPORTER

2

3

4 I do hereby certify that the witness in the foregoing
5 transcript was taken on the date, and at the time and
6 place set out on the Stipulation page hereof, by me
7 after first being duly sworn to testify the truth, the
8 whole truth, and nothing but the truth; and that the
9 said matter was recorded by me and then reduced to
10 typewritten form under my direction, and constitutes a
11 true record of the transcript as taken, all to the best
12 of my skill and ability. I certify that I am not a
13 relative or employee of either counsel and that I am in
14 no way interested financially, directly or indirectly,
15 in this action.

16

17

18

19

20

21

22 JESSE HARP

23 COURT REPORTER/NOTARY

24 MY COMMISSION EXPIRES: 01/28/2023

25 SUBMITTED ON: 05/02/2022

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